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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 6301–6350.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 28, 1919.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

6301. Adulteration of milk. U. S. * * * v. John W. Gregg. Plea of guilty. Fine, $100. (F. & D. No. 448–c.)

On July 11, 1918, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, filed in the police court of the District aforesaid an information against John W. Gregg, Washington, D. C., alleging that said defendant, on July 6, 1918, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that it contained added injurious substances, to wit, dirt and filth.

On July 11, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6302. Adulteration of pork chops. U. S. * * * v. Harry Sherby. Plea of guilty. Fine, $25. (F. & D. No. 449-c.)

On August 1, 1918, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, filed in the police court of the District aforesaid an information against Harry Sherby, Washington, D. C., alleging that said defendant, on July 13, 1918, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of pork chops which were adulterated.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On August 1, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

6303. Adulteration of eggs. U. S. * * * v. Old Dutch Market, Inc. Plea of nolo contendere. Fine, $50. (F. & D. No. 453–c.)

On August 3, 1918, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, filed in the police court of the District aforesaid an information against the Old Dutch Market a corporation, doing business at Washington, D. C., alleging that said company, on June 10, 1918, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of eggs which were adulterated.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On August 3, 1918, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6304. Adulteration of milk. U. S. * * * v. John W. Kerns. Plea of guilty. Fine, $25. (F. & D. No. 451-c.)

On August 5, 1918, the United States attorney for the District of Columbia, acting upon a report by the health officer of the said District, filed in the police court of the District aforesaid an information against John W. Kerns, Ballston, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on July 12, 1918, from the State of Virginia into the District of Columbia, and the introduction into said District, of a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that it had been mixed and packed with a substance, to wit, water, which reduced and lowered its quality.

On August 5, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

6305. Adulteration of milk. U. S. * * * v. John J. Bowles. Collateral of $20 forfeited. (F. & D. No. 452-c.)

On August 7, 1918, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, filed in the police court of the District aforesaid an information against John J. Bowles, Washington, D. C., alleging that said defendant, on May 8, 1918, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that a valuable constituent, to wit, butter fat, had in part been abstracted so as to lower and reduce its quality.

On August 7, 1918, the case having been called and the defendant having failed to appear, the $20 that had been deposited by him as collateral to insure his appearance was forfeited by order of the court.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6306. Adulteration of milk. U. S. * * * v. Lea G. Willson. Collateral of $20 forfeited. (F. & D. No. 453-c.)

On August 9, 1918, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, filed in the police court in the District aforesaid, an information against Lea G. Willson, Layhill, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on July 16, 1918, from the State of Maryland into the District of Columbia, and the introduction into said District of a quantity of milk which was adulterated.

Adulteration of the article was alleged in the information for the reason that it had been mixed and packed with a substance, to wit, water, which reduced and lowered its quality.

On August 9, 1918, the case having been called and the defendant having failed to appear, the $20 that had been deposited by him as collateral to insure his appearance was forfeited by order of the court.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6307. Adulteration of pigs' feet. U. S. * * * v. Toney Anonoplus. Plea of guilty. Fine, $25. (F. & D. No. 454–c.)

On August 22, 1918, the United States attorney for the District of Columbia, acting upon a report by the health officer of the said District, filed in the police court of the District aforesaid an information against Toney Anonoplus, Washington, D. C., alleging that said defendant, on August 14, 1918, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of pigs' feet which were adulterated.

Adulteration of the article was alleged in substance in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On August 22, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

6308 (Supplement to Notices of Judgment 3334 and 4047). Misbranding of special lemon, lemon terpene and citral. U. S. * * * v. Oscar J. Weeks (O. J. Weeks & Co.). Decision of the Supreme Court of the United States affirming judgment of conviction in the lower court. (F. & D. No. 4672. I. S. No. 14195-d.)

On March 20, 1916, a petition for a writ of certiorari to the United States circuit court of appeals for the second circuit, theretofore filed, was granted by the Supreme Court of the United States, in a case involving the interstate shipment by Oscar J. Weeks, New York, N. Y., in violation of the Food and Drugs Act, of a quantity of an article labeled in part, "Special Lemon, Lemon Terpene and Citral," which was misbranded.

On February 4, 1918, the case having come on for final disposition, the judgment of the said circuit court of appeals, which affirmed the judgment of conviction in the trial court, was affirmed, as will more fully appear from the following decision of the Supreme Court of the United States (Mr. Justice Van Devanter delivered the opinion of the court):

This was a prosecution under the act of June 30, 1906, c. 3915, 34 Stat., 768, upon a charge of shipping an article of food in interstate commerce in circumstances making the shipment a violation of the act. The information contained two counts, both charging that the article was misbranded—one because it bore a false and misleading label, and the other because it was offered for sale as lemon oil when in truth it was an imitation thereof containing alcohol and citral derived from lemon grass. In the district court there was a conviction upon both counts, and the Circuit Court of Appeals reversed the conviction as to the first count and affirmed it as to the second (224 Fed., 64). The judgment upon the latter is all that is brought here for review.

The defendant was engaged in making and selling various articles of food used by bakers, confectioners, and ice-cream makers, including the article with which this prosecution is concerned. On the occasion in question he shipped from one State to another a quantity of this article labeled, "Special Lemon, Lemon Terpene and Citral." The printed record, although not purporting to contain all the evidence, shows that there was testimony tending to prove the following facts among others: The shipment was made to fill an order solicited and taken by a traveling salesman in the defendant's employ. The salesman had been supplied by the defendant with a sample bottle of the article which was labeled simply, "Special Lemon." In offering the article for sale and soliciting the order the salesman exhibited the sample and represented that the article was pure lemon oil obtained by a second pressing and that this pressing produced a good, if not the best, oil. In truth the article was not lemon oil, but an imitation thereof containing alcohol and citral made from lemon grass. Some of the elements of lemon oil were present in other than the usual proportions and others were entirely wanting.

The testimony respecting the salesman's representations was admitted over the defendant's objection; and later the court denied a request on the part of the defendant that the jury be instructed that this testimony could not be considered, but only the statement appearing on the label when the article was shipped. In that connection the court told the jury that the defendant could not be held responsible criminally by reason of any representations made by the salesman unless it appeared beyond a reasonable doubt that the same were made by the defendant's authority.

The defendant, who is the petitioner here, complains of the admission and consideration of this testimony and insists that under the statute the question whether an article is misbranded turns entirely upon how it is labeled when it is shipped, regardless of any representations made by a salesman, or even the vendor, in offering it for sale.

The statute, in its second section, makes it unlawful to ship or deliver for shipment from one State to another "any article of food or drugs which is adulterated or misbranded within the meaning of this act."

In its eighth section it declares:

"That the term 'misbranded,' as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

"That for the purposes of this act an article shall also be deemed to be misbranded:

"In the case of drugs:

* * * * * * *

"In the case of food:

"First. If it be an imitation of, or offered for sale under the distinctive name of, another article."

This section contains other provisions relating to misbranding, but they are not material here and need not be set forth or specially noticed.

It is apparent that the statute specifies and defines at least two kinds of misbranding, one where the article bears a false or misleading label and the other where it is offered for sale under the distinctive name of another article. The two are quite distinct, a deceptive label being an essential element of one but not of the other. No doubt both involve a measure of deception, but they differ in respect of the mode in which it is practiced. Evidently each is intended to cover a field of its own, for otherwise there would be no occasion for specifying and defining both. That one article of food may be offered for sale in the distinctive name of another and the offer accomplish its purpose without the aid of a false or misleading label hardly needs statement.

The statute does not attempt to make either kind of misbranding unlawful in itself, but does, as before indicated, make it unlawful to ship or deliver for shipment from one State to another an article of food which is misbranded in either way. That this is a legitimate exertion of the power of Congress to regulate interstate commerce is settled by our decisions. *Hipolite Egg Co.* v. *United States*, 220 U. S., 45; *McDermott* v. *Wisconsin*, 228 U. S., 115, 128; *Seven Cases of Eckman's Alterative* v. *United States*, 239 U. S., 510, 514. It also is settled by our decisions that "the negotiation of sales of goods which are in another State for the purpose of introducing them into the State in which the negotiation is made is interstate commerce." *Robbins* v. *Shelby Taxing District*, 120 U. S., 489, 497; *Crenshaw* v. *Arkansas*, 227 U. S., 389, 396.

It follows that the testimony respecting the representations of the defendant's traveling salesman was rightly admitted in evidence and submitted to the jury. It tended to prove that the order, to fill which the shipment was made, was obtained by offering the article for sale in the distinctive name of another article, and therefore that the article was misbranded within the meaning of the statute. To have confined the jury's attention to the label borne by the article when it was shipped, as was requested by the defendant, would have been to disregard the nature of the charge in the second count and the distinction between the two kinds of misbranding.

In the Circuit Court of Appeals the view was expressed that intent was not an element of the offense charged in the second count, and therefore that it was immaterial whether the representations of the salesman had the sanction of the defendant. Complaint is now made of this. But the question is not in the case, the view expressed by the Circuit Court of Appeals not being essential to an affirmance of the judgment. The district court had expressly instructed the jury that to hold the defendant responsible criminally by reason of such representations it must appear, and appear beyond a reasonable doubt, that they were made by his authority. The record before us does not show that the defendant objected to the submission of this question to the jury in this way, neither does it purport to contain all the evidence. The verdict therefore must be taken as conclusively determining that the representations were made with the defendant's sanction.

Judgment affirmed.

C. F. Marvin, *Acting Secretary of Agriculture.*

6309. Misbranding of Samaritan Nervine. U. S. * * * v. The Dr. S. A. Richmond Nervine Co., a corporation. Plea of guilty. Fine, $45 and costs. (F. &. D. No. 4887. I. S. No. 2858-e.)

On July 7, 1915, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Dr. S. A. Richmond Nervine Co., a corporation, St. Joseph, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 15, 1913, from the State of Missouri into the State of California, of a quantity of an article labeled in part, "Samaritan Nervine," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Nonvolatile matter at 100°C (per cent)	51.74
Ash (mainly potassium bromid) (per cent)	19.02
Potassium bromid (per cent)	18.95
Atropin, test for: Positive.	

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the bottle and carton falsely and fraudulently represented it as a remedy for epilepsy, St. Vitus' Dance, epileptic fits, rheumatism, paralysis, spermatorrhea, seminal weakness, and all nervous and blood diseases, all diseases of the kidneys and liver, gravel and stone in the bladder, dropsy, scrofula, and all diseases caused by disordered kidneys and liver, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular or pamphlet accompanying the article falsely and fraudulently represented it as effective for safeguarding the system in all cases of eruptions and malignant fevers; as a specific for epilepsy, scrofula, spermatorrhea, and seminal weakness, for every form of kidney disorders, healing the very worst diseases to which these organs are subject, when taken as directed and in sufficient quantities; as a remedy for all diseases of the liver, kidneys, urinary, and generative organs; as an irresistible specific in liver complaints, kidney diseases, pulmonary affections, rheumatism and gout; as a specific for heart disease; as a cure for scrofula and syphilis; as a remedy for erysipelas and salt rheum; and as a cure for loss of hearing, loss of speech, and paralysis, when, in truth and in fact, it was not.

On September 18, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $45 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6310. Adulteration and misbranding of so-called cider. U. S. * * * v. C. H. Bickart, J. J. Baxter, Ira B. Harkey, and G. H. Weil, copartners (Jackson Vinegar Co.). Pleas of guilty. Fine, $40. (F. & D. No. 5561. I. S. Nos. 35851-35853-e, 36200-e.)

On May 11, 1915, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against C. H. Bickart, J. J. Baxter, Ira B. Harkey, and G. H. Weil, copartners, doing business under and by the firm name of Jackson Vinegar Co., Jackson, Miss., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 9, 1912 (four shipments), from the State of Mississippi into the State of Louisiana, of quantities of so-called cider which was adulterated and misbranded. The article was labeled in part, "Pure B. B. Brand Apricot," or "Blackberry Hot," or "Peach," or "Dark Grape," as the case might be.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

	Apricot.	Blackberry hot.	Peach.	Dark grape.
Specific gravity at 15°/15° C	1.0274	1.0381	1.0305	1.0353
Alcohol (per cent by volume)	5.60	6.55	5.95	5.55
Solids by drying (grams per 100 cc)	8.90	11.91	9.29	10.78
Nonsugar solids (grams per 100 cc)	4.26	5.50	4.05	4.66
Reducing sugar as dextrose (grams per 100 cc).	4.64	6.41	5.24	6.12
Ash (gram per 100 cc)	.28	.33	.22	.29
Acid, as malic (gram per 100 cc)	.72	.88	.38	.56
Benzoic acid, as sodium benzoate (per cent).	.14	.24	.15	.17
Saccharin (per cent)	.016	.009	.017	.012
Benzoic acid, qualitative	Present.	Present.	Present.	Present.
Saccharin, qualitative	Present.	Present.	Present.	Present.
Dextrin, qualitative	Present.	Present.	Present.	Present.
Caramel, qualitative	Present.	Present.	Present.	Present.
Sucrose	None.	None.	None.	None.
Color		Ponceau 3R		Ponceau 3R

The product consist of a hydroalcoholic solution of commercial glucose or commercial dextrose, other substances containing soluble solids, benzoic acid or sodium benzoate, saccharin, and caramel. The Blackberry Hot and Dark Grape also contain a coal-tar dye resembling Ponceau 3R.

Adulteration of the article in each shipment was alleged in the information for the reason (1) that saccharin had been mixed and packed therewith and substituted for sugar as a sweetening agent in such a manner as to reduce, lower, and injuriously affect its quality; (2) that a substance prepared from fermented apple product and starch sugar solution, containing alcohol and saccharin, had been substituted wholly or in part for a nonalcoholic beverage, sweetened with grape sugar, which the article was represented by its label to be; (3) that the article was artificially colored with caramel, or with caramel and coal-tar dye, as the case might be, in a manner whereby its inferiority was concealed; (4) that the article contained approximately 0.016 per cent of saccharin, or approximately 0.009 per cent of saccharin, or approximately 0.017 per cent of saccharin, or approximately 0.012 per cent of saccharin, an added poisonous and added deleterious ingredient, which might render the article injurious to health.

Misbranding of the article in each shipment was alleged for the reason that the statement, "The contents of this package as originally filled are guaranteed to be made from apples fortified with grape sugar (no distilled spirits, wine, fermented juice of grapes or other small fruits, or alcoholic liquors being added)," borne on the package,

was false and misleading because it calculated to mislead and deceive the purchaser into the belief that the article was a nonalcoholic beverage, whereas, in truth and in fact, it was not, but was an alcoholic beverage containing approximately 5.60 per cent of alcohol by volume, or approximately 6.55 per cent of alcohol by volume, or approximately 5.95 per cent of alcohol by volume, or approximately 5.55 per cent of alcohol by volume.

On May 14, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $40.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6311. Misbranding of Mrs. Joe Person's Remedy. U. S. * * * v. Mrs. Joe Person's Remedy Co., a corporation. Plea of guilty. Action dismissed. (F. & D. No. 6023. I. S. No. 9149–e.)

On July 5, 1915, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mrs. Joe Person's Remedy Co., a corporation, Kittrell, N. C., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 5, 1913, from the State of North Carolina into the State of Maryland, of a quantity of an article labeled in part, "Mrs. Joe Person's Remedy," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Solids (grams per 100 cc)	2.146
Ash (gram per 100 cc)	.048
Alcohol (per cent by volume)	25.50

The solids appear to be essentially vegetable extractive material, bearing indications of the presence of podophyllum, sarsaparilla, and chimaphila.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the label falsely and fraudulently represented it to be effective as a remedy for erysipelas and rheumatism; for counteracting malarial blood poisoning, as a remedy for restoring the system following chills and fever, and for ulceration and catarrh of the womb, if used in connection with the wash; as an antidote for blood poison; as a remedy for scrofula when used in connection with the wash; for curing nervous prostration and chronic cases of rheumatism and eczema, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular or pamphlet accompanying the article falsely and fraudulently represented it as a cure for pellagra, if the disease is not too far advanced, eczema, scrofula, all skin and blood diseases, rheumatism and all diseases caused by impure or poisoned blood, as a remedy for inflammatory rheumatism, erysipelas, and catarrh, as a cure for blood poisoning and effective in curing syphilitic troubles when used in connection with the wash, for checking hemorrhages and giving freedom from pain in cases of cancer of the womb, when, in truth and in fact, it was not.

On February 8, 1916, the defendant company entered a plea of guilty to the information. On May 29, 1918, the case having come on for final disposition, and it appearing to the court that the defendant corporation was dissolved in 1915, and that there are no assets belonging to the defendant company, and it has no present corporate existence, and that the continuance of this case on the docket longer would be fruitless, it was ordered and adjudged that the action be dismissed and removed from the docket.

C. F. Marvin, *Acting Secretary of Agriculture.*

6312. Adulteration and misbranding of fernet branca and ferro china Bisleri. U. S. * * * v. Raffaele Cascone. Plea of guilty. Fine, $200. (F. & D. No. 6146. I. S. Nos. 9251-1, 9252-1.)

On June 15, 1917, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Raffaele Cascone, Brooklyn, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 20, 1916, and February 25, 1916, from the State of New York into the State of New Jersey, of quantities of articles labeled in part, "Fernet Branca" and "Ferro China Bisleri," which were adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

	Fernet Branca.	Ferro China Bisleri.
Methyl alcohol (per cent by volume)	41.98	30.34
Ethyl alcohol (per cent by volume)	5.80	2.10

Adulteration of the article in each shipment was alleged in the information for the reason that it contained an added poisonous and deleterious ingredient, to wit, wood alcohol, which rendered the article injurious to health.

Misbranding of the fernet branca was alleged for the reason that the statements concerning the article and the ingredients and substances contained therein, appearing on the label of the bottle, together with the device of Italian words appearing therein and the coloring and appearance of the label, represented to purchasers that the article was a product of foreign origin, to wit, a liqueur produced in Italy, and commonly called "Fernet Branca"; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was a product of foreign origin, to wit, a liqueur produced in Italy and commonly called "Fernet Branca," whereas, in truth and in fact, it was not a product of foreign origin, and was not produced in Italy, nor was the article fernet branca. Misbranding of the article was alleged for the further reason that by means of the statements concerning the article and the ingredients and substances contained therein, appearing on the label of the bottle, and by means of the device of Italian words appearing thereon, and by means of the coloring and appearance of the label, the article purported to be a foreign product, to wit, a liqueur produced in Italy and commonly called "Fernet Branca," whereas, in truth and in fact, it was not a foreign product, and was not produced in Italy, and was not fernet branca.

Misbranding of the ferro china Bisleri was alleged in substance for the reason that the statements concerning the article, and the ingredients and substances contained therein, appearing on the label, together with the representations, designs, and devices appearing on the label, and the coloring and appearance of the label and of the article, represented to purchasers that the article was genuine ferro china Bisleri, a liqueur manufactured by Felice Bisleri at New York, from essential ingredients prepared by Felice Bisleri at Milan, Italy; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was genuine ferro china Bisleri, an article manufactured by Felice Bisleri in New York, from essential ingredients prepared by him at Milan, Italy, whereas, in fact and in truth, it was not, but was an imitation thereof, and was not manufactured by Felice Bisleri in New York, or elsewhere, and was not manufactured from essential ingredients prepared by Felice Bisleri at Milan, or elsewhere.

On June 25, 1917, the defendant entered a plea of guilty to the information, and on October 13, 1917, the court imposed a fine of $200.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6313. Misbranding of Phenol-Sodique. United States * * * v. 54 Cases * * * of Phenol-Sodique. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6821. I. S. No. 5373-k. S. No. E-371.)

On or about August 25, 1915, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 54 cases, each containing 1 dozen bottles of Phenol-Sodique, remaining unsold in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped on or about July 10, 1915, by Hance Bros. & White, Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Phenol Sodique Haemostatic, Antiseptic and Disinfectant. Proprietors: Hance Brothers & White."

Misbranding of the article was alleged in the libel for the reason that the statements borne on the cartons, labels, and accompanying circulars concerning the effects of the product were false and misleading, since the article contained phenol, a poisonous substance, and was ineffective as a disinfectant for the purposes mentioned when used according to directions, as described on the carton, circular, and bottle label accompanying the shipment, as follows:

"Non poisonous. It is entirely safe; and its use is not attended with the danger which necessarily accompanies the use of dangerous drugs or preparations such as carbolic acid * * *."

"Disinfecting rooms, impure and unhealthy localities. Place in the apartments shallow vessels containing sawdust or sand moistened with Phenol Sodique, or sprinkle a solution of Phenol Sodique about the apartment. * * * as a disinfectant in hospital dressing, for sick rooms and all impure and unhealthy localities; to prevent the spread of contagion in epidemics, yellow, typhoid and scarlet fevers, cholera, etc."

Misbranding of the article was alleged for the further reason that it contained no ingredients or combination of ingredients capable of producing the following therapeutic effects claimed on the label, carton and circular, accompanying the shipment:

(On bottle label and carton) "Used externally as a dressing for all kinds of * * * varicose veins, venomous * * * bites; * * * after extraction of teeth—and to prevent subsequent soreness of gums; * * * as a gargle * * * , scarlatina, diphtheria; in fœtid discharges from the ear; ozena and affections of the antrum; as an application * * * eruptive diseases; as an injection for the expulsion of ascarides, for leucorrhoea, and other abnormal discharges from the uterus and vagina; * * * to prevent the spread of contagion in epidemics, yellow, typhoid and scarlet fevers, cholera, smallpox, etc."

* *

"Phenol Sodique is a wonderful remedy for nearly all the diseases that horses, cattle, sheep, dogs, fowls, other domestic animals and poultry are likely to be afflicted with. It cures * * * foot and mouth diseases * * * ."

* *

"Piles.—Bleeding piles * * * .

"Poisoning by poison vines * * * .

"Skin eruptions from irritating substances * * * ."

* *

"Internally it is indicated as a remedy in these and other contagious diseases, infectious fevers, cholera infantum, etc. In chronic catarrh it is highly recommended * * * ."

"* * * heals and cures * * * burns, carbuncle, catarrh, * * * erysipelas, * * * hemorrhages, gangrene, itchings, piles, scalds, sprains, * * * swollen veins, * * * ulcers, virus, venomous bites * * * whitlows, wounds. * * * *."

(In circular) "* * * Phenol Sodique * * * *. Being alkaline and germicidal renders it particularly more valuable than any other remedy for all diseases or troublesome conditions of the gums or teeth; or the shrinking of the gums (Rigg's Disease).

"In the treatment of nasal catarrh and unhealthy conditions of the natural cavities * * * *.

"* * * is superior to other Antiseptics.

"* * * is free from * * * toxic properties * * * *.

"Burns and scalds * * *. It * * * prevents the evil effects of shock.

"Bunions * * * *.

"In the treatment of severe, incised, lacerated * * * wounds * * * *.

"In all cases of cuts and bruises Phenol Sodique heals quickly * * * *.

"Sore mouth, following dental work, can be speedily corrected * * *.

"Colds, Grippe, Influenza * * * *.

"Catarrh * * * *.

"Carbuncles * * * *.

"Eczema * * * *.

"Erysipelas * * * *.

"Gangrene * * * *.

"Hay Fever, Rose Cold * * * *.

"Hemorrhages, Nasal, etc. * * * *.

"Ivy, Dogwood and Oak Swamp Poison * * * *.

"Itch and Brown Tail Moth Poison * * * *.

"Leucorrhoea and whites * * * remedy for disorders peculiar to women * * * *.

"Piles or Hemorrhoids * * * *.

"Rheumatism, Rheumatic and Acute Pains * * * *.

"Sore Throat and Tonsilitis * * * *.

"Shingles * * * *.

"Swollen Veins * * * *.

"Toothache * * * *.

"Ulcers * * * *."

On June 24, 1918, the said Hance Bros. & White, a corporation, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and execution of a bond in the sum of $500, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6314. Misbranding of meat meal. U. S. * * * v. Armour Fertilizer Works, a corporation. Plea of guilty. Fine, $100 and costs. (F. & D. No. 6944. I. S. No. 12825-h.)

On March 23, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Armour Fertilizer Works, a corporation, doing business at Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 8, 1914, from the State of Illinois into the State of Indiana, of a quantity of an article labeled in part, "Armour's Meat Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)	6.44
Ether extract (per cent)	13.23
Protein (per cent)	51.30
Crude fiber (per cent)	2.97

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "60.0 per cent of crude protein," borne on the bag containing the article, was false and misleading in that it represented that the article contained 60 per cent of crude protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 60 per cent of crude protein, whereas, in truth and in fact, it did not, but contained a less amount, to wit, 51.3 per cent of crude protein.

On June 29, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

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6315. Misbranding of cottonseed meal. U. S. * * * v. Deeson Oil Mill Co., a corporation. Plea of guilty. Fine, $100 and costs. (F. & D. No. 7211. I. S. Nos. 26032-k, 26033-k.)

On January 24, 1917, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Deeson Oil Mill Co., a corporation, Deeson, Miss., alleging shipment by said company, on or about December 29, 1914, in violation of the Food and Drugs Act, from the State of Mississippi into the State of Maine, of a quantity of an article labeled in part, "Dixie Brand * * * Made from Pressed Cotton Seed," which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Nitrogen (per cent)	5.54	5.67
Protein (per cent)	34.63	35.44
Crude fiber (per cent)	14.91	14.51

Misbranding of the article was alleged in the information for the reason that the following statements regarding the article, and the ingredients and substances contained therein, appearing on the label, to wit, "Protein 38.62 to 43% * * * Crude fibre 8 to 12%," were false and misleading in that they indicated to purchasers thereof that the article contained from 38.62 to 43 per cent protein and from 8 to 12 per cent fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained from 38.62 to 43 per cent protein and from 8 to 12 per cent of fiber, when, in truth and in fact, it contained less than 38.62 per cent protein and more than 12 per cent fiber.

On January 29, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6316. Adulteration and misbranding of Fox Squirrel Brand soda. U. S. * * * v. Jacob Shucart (National Bottling Co.). Plea of guilty. Fine, $60 and costs. (F. & D. No. 7225. I. S. Nos. 15260–15262–k, 15295–k, 15298–k, 15299–k.)

On April 27, 1916, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob Shucart, trading as the National Bottling Co., St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 22, 1915 (3 shipments), and July 29, 1915 (3 shipments), from the State of Missouri into the State of Illinois of quantities of an article labeled in part, "Fox Squirrel Brand Soda," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Determination.	No. 1.	No. 2.	No. 3.	No. 4.	No. 5.	No. 6.
Total solids (grams per 100 cc)...	0.63	0.81	0.10	0.15	2.16	0.87
Saccharin (gram per 100 cc).....	.021	.02	.023	.014	.024	.017

All the samples are colored with coal-tar dyes, artificially flavored, and the net contents are not declared.

Adulteration of the article in each shipment was alleged in the information for the reason that a certain substance, to wit, saccharin, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for strawberry soda, or orange soda, or cream soda, or pineapple soda, or wild cherry soda, as the case might be, which the article purported to be; and for the further reason that it contained an added poisonous and deleterious ingredient, to wit, saccharin, which might render the article injurious to health.

Misbranding of the article in each shipment was alleged for the reason that it consisted of food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On May 9, 1917, the defendant entered a plea of guilty to the information, and on July 2, 1918, the court imposed a fine of $60 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6317. Misbranding of oysters. U. S. * * * v. Dunbars, Lopez & Dukate Co., a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 7429. I. S. Nos. 12716-k, 27757-27760-h, 8129-h.)

On February 21, 1917, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Dunbars, Lopez & Dukate Co., a corporation doing business at Biloxi, Miss., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 6, 1914, from the State of Mississippi into the State of Minnesota, on or about April 15, 1914, from the State of Mississippi into the State of Missouri, and on or about January 31, 1914, from the State of Mississippi into the State of Washington, of quantities of oysters which were misbranded. The article was variously labeled, "Allen Square Brand Oysters," "Pelican Brand Cove Oysters," "Buck Brand Cove Oysters," and "Oysters Sound Brand."

Examination of samples of the article by the Bureau of Chemistry of this department showed an average short weight of the product ranging from 4.07 to 13.5 per cent.

Misbranding of the article in each shipment was alleged for the reason that the statement regarding the article and the ingredients and substances contained therein, appearing on the label, to wit, "Contents 4 ozs.," or "Contents 8 ozs.," or "Net Contents 4 oz. Oyster Meat," or "8 oz.'s Oyster Meat," or "Net Contents 5 Oz. Oyster Meat," or "4 Oz. Oysters," as the case might be, was false and misleading in that it indicated to purchasers thereof that each of said cans contained 4 ounces, 8 ounces, or 5 ounces of the article of food; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that each of the cans contained 4 ounces, 8 ounces, or 5 ounces, as the case might be, of the article of food, when, in truth and in fact, each of the cans did not, but contained a less amount thereof.

On August 28, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6318. Adulteration of oysters. U. S. * * * v. John I. Merrill. Plea of guilty. Fine, $10. (F. & D. No. 7488. I. S. No. 12401-1.)

On October 24, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John I. Merrill, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on December 22, 1915, from the State of New York into the State of Illinois, of a quantity of oysters which were adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Free liquor (per cent)	8.11
Drained meat (per cent)	90.60
Solids in drained meat (per cent)	16.11
Ash in meat (per cent)	1.01
Sodium chlorid in meat (per cent)	.05
Loss on boiling (per cent)	43.9
Sodium chlorid in liquor (per cent)	.35

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for oysters which the article purported to be.

On August 28, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

C. F. Marvin, *Acting Secretary of Agriculture.*

6319. Misbranding and alleged adulteration of alleged mustard seed. U. S. * * * v. 405 Bags * * * of Alleged Mustard Seed and 301 Bags * * * of Alleged Mustard Seed. Tried to the court and a jury. Verdict for the Government. Product ordered released on bond. (F. & D. Nos. 7501-7503. I. S. Nos. 11562-1, 11563-1, 11565-1. S. Nos. C-531-533.)

On June 7, 1916, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 405 bags and 301 bags, each containing 160 pounds of alleged mustard seed, at Chicago, Ill., alleging that the article had been shipped on or about April 26, 1916, and May 9, 1916, by the North American Mercantile Co., San Francisco, Calif., and transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was invoiced and sold as mustard seed.

Adulteration of the article in each shipment was alleged in the libels for the reason that rapeseed, brown seed, and dirt had been substituted wholly for mustard seed, which the article purported to be.

Misbranding of the article was alleged in the second count of the libels for the reason that it was an imitation of mustard seed in that it consisted wholly of rapeseed, brown seed, and dirt; and in the third count of the libels for the further reason that said article was offered for sale under the distinctive name of another article, to wit, mustard seed.

On November 20, 1916, the case came on for hearing before the court and a jury, and after the submission of evidence and argument by counsel, the following charge was delivered to the jury on November 27, 1916, by the court (Carpenter, *D. J.*):

Gentlemen of the jury, there are only two counts in this libel that have been discussed by counsel before you, which are the first and second, the third by agreement has been withdrawn from your consideration, and I will instruct you as a matter of law that you may eliminate the first count, so that the only count that is now presented to you for your consideration is the count which we will designate the misbranding count.

Mr. DICKINSON. Yes.

The COURT. It is not your purpose to—it is not your function rather—to consider whether or not the pure food law is a good law. I charge you that it is the law of this country; it is on our statute books, and in my opinion it is a very wholesome law, and it is for a very useful purpose. The issues in this case are simple, that is, the actual fact that you have to determine is a single fact, it is drawn in a very narrow channel; the evidence which has been presented to you, so that you may make up your mind what that fact is, may have been complicated, it is more or less complicated, it has come from many different sources and involves professional men, botanists, chemists, practical business men in seed lines, and personal tests that you have made and have seen made in open court.

Now, at the outset some general instructions as to the law. The Government in this case has the burden of proof, and that burden rests upon them until they have satisfied you by a clear and convincing preponderance of the evidence, that they have shown that this was not mustard seed. You will have to determine that one question. It is not so important for you to make up your minds whether or not the seed in seizure, as it has been called, is rapeseed. It is proved here in this case that the actual seed as shipped was labeled [invoiced as] mustard seed, and I charge you as a matter of law, that if you find the seed as shipped was not in fact mustard seed, the Government must succeed in this case. Whether it was rapeseed or some other kind of seed, is unimportant. The shipment has been identified, and the labels on the bags have been proved, evidence has been offered here to show what they were. It has been conceded they were labeled [invoiced as] mustard seed, therefore, if you find from the evidence in this case, if you find the proof clearly convinces you by a preponderance that this was not mustard seed, in your judgment, your verdict here must be for the Government. And it is quite as true, that if you find from the evidence on the basis that I have asked you to consider the evidence, if you find that the seed in question is mustard seed, even though it is some species hitherto unknown in this locality here in Chicago, or any other part of this country, still it is your duty in that case to bring in your verdict for the claimant. And to enlarge upon that a little, the question of fact for your determination is whether or not the product in seizure is rape-

seed, as that term is understood and applied by the trade in this country or whether the product is a species of mustard seed containing qualities and characteristics substantially similar to the well known mustard seeds of European and American commerce and in determining this question from the evidence, the jury must use ordinary common sense as reasonable and intelligent men, and if you find from the evidence that the product in question is mustard seed, then you must find your verdict for the claimant.

Bear in mind, gentlemen, it is not my purpose to tell you anything about the facts in this case. It is my duty to advise you what the law is, and it is your duty to determine what the facts are and apply the law as I give it. If I make a mistake as to the law, that is my responsibility, and the court of review will set me right. You have to do only with the questions of fact, and if during the course of this trial the court may have said something which indicated to you that the court has views on the evidence in this case, please dismiss it from your mind. The court had no such intent at any time, and anything that I may have said or anything that you may have thought I said to that end must be disregarded.

I am not here to influence you one way or the other in your determination of whether or not the seed in seizure is mustard seed. That is the only question you have to settle, and that is your responsibility.

Now, some of the witnesses in this case are Government witnesses. The mere fact that they are Government witnesses does not work for or against the case on either side. They are here as individuals, sworn to tell the truth and to advise you so far as they can of their knowledge of the facts being presented to you. A Government witness is not entitled to more credit because he is a Government witness, nor is he entitled to less credit. The professional witnesses, or rather the professional men, are not necessarily professional witnesses, and all of the witnesses that have testified here before you are to be given credence so far as you think their testimony is material.

Now, if you think any witness has deliberately sworn falsely as to any material fact, it is your right and duty to disregard the evidence of that witness, unless it is otherwise corroborated by good and substantial evidence in this case, which you believe. You have seen the witnesses and you have heard them testify, you have seen their demeanor and you know better than anybody else whether they were telling the truth or not and how much weight should be given to their evidence. If any party has a direct interest in the outcome of the suit, you may take that into consideration. If any of these witnesses are connected with anybody with a direct interest in the outcome of the suit, you may also take that into consideration.

One further thing, you are not to be influenced by anything that you may think is going to happen after your verdict. The verdict in this case will either be for the Government or for the claimant. What shall be done with the seed, whether under the statute it shall be destroyed, there being no deleterious matter found in it—it would be quite unusual if an order of confiscation or destruction should be entered—but whether it is destroyed or not, or whether given back to the claimant after the payment of the costs in this case, that is none of your business, and I say the word advisedly, gentlemen, not offensively, still the thing you have to determine here is whether or not this is mustard seed, because if it was mustard seed, there is no misbranding, if it was not mustard seed, there was misbranding.

Have you any suggestions, gentlemen?

Mr. Dickinson. Might preserve an exception to your honor's ruling striking out the first specification.

The Court. Yes.

Mr. Dickinson. Exception.

Mr. Vent. I think the court should instruct the jury that there is no standard made legal by the Food and Drugs Act on mustard seed, that it is a primary question to be determined.

The Court. I will instruct the jury so that you may preserve your exception. I think it is immaterial in this case whether the Government has established a standard on what is known as mustard seed or not, the question is, is this mustard seed.

Mr. Vent. That is all I wish, but I thought that it was proper to embody that idea.

The Court. That will be preserved in the record. Anything further, gentlemen?

Mr. Dickinson. In order to preserve the record, your Honor, I don't know what will be the outcome of the case, in order that we may have the questions preserved, I desire to preserve an exception to your honor's instruction there, that the Government must prove its case by a clear preponderance of the evidence, or must find, if they do find for the Government, by evidence clear and preponderating.

The Court. I might enlarge that a little so as to make the position of the court clear. This is not in the opinion of the court a criminal case, but inasmuch as it involves

the possibility, on the part of the court, if there is a verdict for the Government, a possibility, I say, of ordering these goods destroyed, or ordering them seized, taken out of commerce, because they are misbranded, that the defendant is deprived of his property as a result of this trial, and so I say, that while it is not a criminal case that it is something more than a civil case, that is to say, the jury must find by a greater preponderance of the evidence than they would in a civil case. In the ordinary case you are told that, as the scale balances, if there is even a slight preponderation one way or the other, so your verdict may be found, but in this case I think before you find the scale drops one way or the other, you should have a clear and convincing proof that the scale does not tip top; that doesn't mean you will find your verdict beyond a reasonable doubt. The law doesn't require that. All it means is that you must have substantial evidence. You are business men and you have come from twelve different walks of life, and you have been in the habit of considering your own affairs in a common sense way. Now, take this case up in a common sense way. Nobody has tried to stampede you, nobody wants to, nobody has tried to put anything over [on] the jury. All there is to the case, is to take the evidence in this case and if you find there is a preponderance of evidence founded on clear and convincing evidence, satisfactory evidence to you one way or the other, then you may bring in your verdict accordingly. Save your exception, Mr. Dickinson.

Mr. VENT. I wish to note an exception to the ruling of the court.

The COURT. Yes, Mr. Vent's request that the court charge the jury that they must find for the Government beyond a reasonable doubt, against the defendant beyond a reasonable doubt, before a verdict can be for the Government. That is refused an exception.

Mr. VENT. Then that question in the case to the jury, we would like to preserve the question as to whether or not this is a criminal or civil case.

The COURT. That is the point. The question will be preserved, whether you have put it in the right form or whether the court has. The question is here and we will save it. That all, gentlemen?

Mr. DICKINSON. That is all I have, thank you.

The COURT. I will give you two forms of verdict, gentlemen, if you find for the United States, sign the form which reads, "We, the jury, find the issues for the libelant." If you find for the claimant, sign the form, "We, the jury, find the issues for the claimant."

Now as to these exhibits. They will all go to the jury room. I will charge the jury further, that when they come to make tests for the prepared product which has been presented here in evidence, you must bear in mind there has been no evidence offered of what the actual ingredients were of the prepared products, further than that it was—a paste of it was made out of the seed in seizure.

Mr. VENT. No, your honor, I think that is not exactly accurate, the witness testified it had some vinegar and spices.

The COURT. The proportions I mean.

Mr. VENT. The proportions were not given, but this, your honor, it had no other seed than the seed in question.

The COURT. Yes.

Mr. VENT. This exhibit I would ask the bailiff to handle rather delicately, it is a very delicate thing.

The BAILIFF. I will hand it in.

The COURT. The jury may retire now.

Mr. VENT. If the court please, if the jury desire to make experiments, let them take the mortars with them.

The COURT. The jury can do anything they please with the mortars when they go in the jury room.

Mr. VENT. I think the mortars are all in.

The COURT. Do you want this to go to the jury?

Mr. VENT. Yes, your honor.

Mr. DICKINSON, Yes.

Mr. VENT. Can that go in? We read certain sections of Circular 19, regarding rape-seed, yellow and mustard.

The COURT. It was read to the jury, but not offered in evidence as an exhibit. No, I think not.

Mr. VENT. All right.

The jury thereupon retired and after due deliberation returned into court with a verdict finding the product to be misbranded as alleged in the second count of the libels and thereupon Ludwig S. Nachman, Chicago, Ill., claimant, by his counsel,

filed a motion for a new trial, and on February 13, 1917, said motion having come on for hearing, was allowed by the court.

On April 20, 1917, leave was granted to the Morehouse Mills Co., Chicago, Ill., as owners of 110 bags of the mustard seed, to file their appearance, claim, and petition, and on July 2, 1918, leave was granted by the court that the said Ludwig S. Nachman might withdraw his claim and answer to the libels, and the appearance, claim, and answer of Gilbert S. Mann & Co., Chicago, Ill., was entered on the same date.

On July 8, 1918, so much of the case as referred to 244 bags and 301 bags of the mustard seed, having come on for final hearing, and the said Gilbert S. Mann & Co. having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered nunc pro tunc as of July 3, 1918, and it was ordered by the court that the product be released to said claimant, Gilbert S. Mann & Co., upon the payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $2,000, in conformity with section 10 of the act, conditioned in part that the product should be labeled, branded, and sold as rapeseed.

On July 12, 1918, the said Morehouse Mills Co., claimant and owner of 110 bags of the mustard seed, having admitted the allegations of the libel and consented to a decree, a similar judgment was entered as to the 110 bags, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product should be labeled, branded, and sold as rapeseed.

C. F. Marvin, *Acting Secretary of Agriculture.*

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6320. Adulteration and misbranding of alleged mustard seed. U. S. * * * v. 25 Bags * * * of a Product Purporting to be Mustard Seed. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7531. I. S. No. 3019-l. S. No. E-647.)

On June 12, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 bags, each containing approximately 160 pounds of a product purporting to be mustard seed, consigned by L. S. Nachman, Chicago, Ill., remaining unsold in the original, unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about June 2, 1916, and transported from the State of Illinois into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was invoiced in part as "Goldengate Mustard Seed."

Adulteration of the article was alleged in the libel for the reason that Indian yellow rapeseed had been substituted wholly for mustard seed, which the article purported to be.

Misbranding of the article was alleged for the reason that it was invoiced as "25 bags Goldengate Mustard Seed HKSF 4058," which indicated to the purchaser that the product was mustard seed, when, in fact, it was Indian yellow rapeseed, and therefore was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, mustard seed.

On October 22, 1918, Gilbert S. Mann, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the article should be relabeled under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

6321. Misbranding of Radam's. U. S. * * * v. The William Radam Microbe Killer Co., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 7619. I. S. No. 1944-l.)

On November 14, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The William Radam Microbe Killer Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on August 31, 1915, from the State of New York into the State of New Jersey, of a quantity of an article labeled in part, "Radam's," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted of a clear aqueous solution of about 0.69 per cent sulphuric acid, about 0.02 per cent sulphurous acid, and traces of iron, nitric acid, hydrochloric acid, and organic matter.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the label falsely and fraudulently represented it as a remedy for constipation, biliousness, diarrhea, dysentery, sore throat, fevers, diphtheria, typhoid fever, scarlet fever, pneumonia, grippe, colds, catarrh, and hay fever, when, in truth and in fact, it was not.

On April 24, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

6322. Misbranding of Visio Veterinary Eye Remedy. U. S. * * * v. Frank T. McMahon and Daniel G. Brown (Visio Remedy Association). Pleas of guilty. Fine, $50 and costs. (F. & D. No. 7709. I. S. Nos. 14786-l, 11417-l.)

On January 27, 1917, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank T. McMahon and Daniel G. Brown, copartners, trading as the Visio Remedy Association, Chicago, Ill., alleging shipments from the State of Illinois into the State of Missouri, on or about June 8, 1915, and October 14, 1915, by said defendants, in violation of the Food and Drugs Act, as amended, of quantities of an article labeled in part, "Visio Veterinary Eye Remedy," which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the article was essentially a hydroalcoholic solution of plant extractives.

It was alleged in substance in the information that the article in each shipment was misbranded for the reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a cure for the diseases of the eyes irrespective of the length of time of the ailment, as a remedy for cataract, moon blindness, nearsightedness, and as a cure for shying horses, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

On June 26, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6323. Misbranding of cottonseed meal and cake. U. S. * * * v. Madill Oil & Cotton Co., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 7737. I. S. No. 19875-l.)

On December 9, 1916, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Madill Oil & Cotton Co., a corporation, doing business at Madill, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 15, 1915, from the State of Oklahoma into the State of Iowa, of a quantity of an article labeled in part, "Equity Brand Cotton Seed Meal and Cake," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)	9.53
Ether extract (per cent)	6.55
Fiber (per cent)	15.50
Protein (N × 6.25) (per cent)	35.00
Nitrogen (per cent)	5.60

The product contains less protein, less fat, and more fiber than was guaranteed upon the label.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed analysis * * * Protein 41 to 43 per cent, Oil or Fat, 7 to 9 per cent, Crude Fibre 8 to 12 per cent," borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 41 per cent of protein, not less than 7 per cent of oil or fat, and not more than 12 per cent of crude fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of protein, not less than 7 per cent of oil or fat, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, it contained less protein and oil or fat, and more crude fiber than was declared on the label, to wit, approximately 35 per cent of protein, approximately 6.55 per cent of oil or fat, and approximately 15.50 per cent of crude fiber.

On July 5, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6324. Adulteration of milk. U. S. * * * v. Martinus Svendsen and R. Peter Anderson (Horse Shoe Lake Dairy Co.). Pleas of guilty. Fine, $25 and costs. (F. & D. No. 7750. I. S. No. 10227-l.)

On January 29, 1917, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Martinus Svendsen and R. Peter Anderson, copartners trading as the Horse Shoe Lake Dairy Co., Horse Shoe Dairy, Iowa, alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 17, 1915, from the State of Iowa into the State of Nebraska, of a quantity of milk which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

	Subdivision 1.	Subdivision 2.
Butter fat (per cent)	3.2	2.4

The butter fat has been in part abstracted.

Adulteration of the article was alleged in the information for the reason that a valuable constituent of the article, to wit, butter fat, had been in part abstracted.

On November 6, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $25 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6325. Adulteration of milk. U. S. * * * v. Philo Wilbur. Plea of guilty. Fine, $10. (F. & D. No. 7757. I. S. Nos. 3840–l, 3841–l.)

On April 4, 1917, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Philo Wilbur, East Westmoreland, N. H., alleging shipment by said defendant, on or about March 13, 1916, and March 15, 1916, from the State of New Hampshire into the State of Massachusetts, of quantities of milk which was adulterated.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

Sample.	Date of shipment.	Specific gravity 60° F.	Total solids.	Fat.	Solids not fat.	Total solids by drying.	Retroactive index of serum 20° C.	Ash.
			Per cent.	*Per cent.*	*Per cent.*	*Per cent.*		*Per cent.*
1	Mar. 13	1.0141	5.68	1.8	3.88	5.63	25.9	0.30
2	...do.....	1.0201	8.36	2.8	5.56	8.72	32.0	.47
3	...do.....	1.0170	7.13	2.4	4.73	7.13	28.9	.37
4	...do.....	1.0191	8.13	2.8	5.33	8.23	30.9	.43
5	...do.....	1.0131	5.19	1.6	3.59	5.25	25.5	.29
6	...do.....	1.0136	5.29	1.6	3.69	5.34	25.7	.31
7	...do.....	1.0152	6.20	2.0	4.20	6.42	27.4	.37
8	...do.....	1.0190	7.77	2.5	5.27	7.77	29.9	.42
9	Mar. 15	1.02695	10.83	3.4	7.43	10.98	37.4	.6

The milk has been watered.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith, so as to lower or reduce and injuriously affect its quality, and had been substituted in part for milk, which the article purported to be.

On May 9, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

C. F. Marvin, *Acting Secretary of Agriculture.*

6326. Misbranding of cottonseed meal or cake. U. S. * * * v. Madill Oil & Cotton Co., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 7764. I. S. No. 10035-l.)

On December 9, 1916, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Madill Oil & Cotton Co., a corporation, doing business at Madill, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 20, 1916, from the State of Oklahoma into the State of Illinois, of a quantity of an article labeled in part, "Cottonseed Meal or Cake," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)	8.52
Ether extract (per cent)	7.03
Crude fiber (per cent)	13.20
Crude protein (per cent)	37.06

The product contains less protein and more crude fiber than is declared on the label.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed analysis: Protein, 41% * * * Crude Fiber, 10½%," borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 41 per cent of protein and not more than 10½ per cent of crude fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of protein and not more than 10½ per cent of crude fiber, when, in truth and in fact, it contained less protein and more crude fiber than was declared on the label, to wit, approximately 37.06 per cent of protein and approximately 13.20 per cent of crude fiber.

On July 5, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6327. Adulteration of catsup. U. S. * * * v. Lewis Packing Co., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 7769. I. S. No. 20250-l.)

On January 27, 1917, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lewis Packing Co., a corporation, San Francisco, Calif., alleging the sale and delivery by said company, on or about February 2, 1916, in violation of the Food and Drugs Act, under a guaranty that the article was not adulterated within the meaning of the said act, of a quantity of catsup, which was an adulterated article within the meaning of said act, and which was shipped by the purchaser thereof in the identical condition in which it was received, on or about February 5, 1916, from the State of California into the State of Oregon, in further violation of the said act. The article was labeled in part, "Our Favorite Tomato Catsup."

Analysis of samples of the article by the Bureau of Chemistry of this department showed the article to consist of a partially decomposed vegetable product.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed vegetable substance.

On May 27, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

6328. Adulteration of milk. U. S. * * * v. Julius Clausen. Plea of guilty. Fine, $25 and costs. (F. & D. No. 7849. I. S. Nos. 10210-l, 10228-l.)

On February 8, 1917, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Julius Clausen, of Pottawatomie County, Iowa, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 10, 1915, and August 17, 1915, from the State of Iowa into the State of Nebraska, of quantities of milk which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Determination.	Shipment of Aug. 10.		Shipment of Aug. 17.	
	Subdivision 1.	Subdivision 2.	Subdivision 1.	Subdivision 2.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*
Total solids	11.38	11.36	11.52	11.04
Solids not fat	8.78	8.76	8.72	8.44
Butter fat	2.6	2.6	2.8	2.6

The butter fat has been in part removed.

Bacteriological examination of the August 17 shipment shows a high bacterial count and the presence of *B. Coli* organisms.

Adulteration of the article in the shipment of August 10, 1915, was alleged in the information for the reason that a valuable constituent of the article, to wit, butter fat, had been in part abstracted. Adulteration of the article in the shipment on August 17, 1915, was alleged for the reason that a valuable constituent of the article, to wit, butter fat, had been in part abstracted; and for the further reason that it consisted in whole or in part of a filthy or decomposed animal substance.

On November 7, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6329. Misbranding of cottonseed meal or cake. U. S. * * * v. Richard K. Wootten and Edward C. Burton (Wootten-Burton Sales Co.). Pleas of guilty. Fine, $25 and costs. (F. & D. No. 7850. I. S. No. 16066-l.)

On July 9, 1917, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Richard K. Wootten and Edward C. Burton, copartners trading as the Wootten-Burton Sales Co., Kansas City, Mo., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 3, 1916, from the State of Missouri into the State of Iowa, of a quantity of an article labeled in part, "Choice Cotton Seed Meal or Cake," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed 37.3 per cent crude protein.

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "Choice Cotton Seed Meal * * * Wootten-Burton Sales Co. * * * hereby certifies * * * the following chemical analysis: Crude Protein . . . not less than . . . 41 to 43 per cent," borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was choice cottonseed meal, and that it contained not less than 41 per cent of crude protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was choice cottonseed meal which contained not less than 41 per cent of crude protein, whereas, in truth and in fact, it was not choice cottonseed meal which contained not less than 41 per cent of crude protein, but was a product inferior to choice cottonseed meal, and contained less than 41 per cent of protein, to wit, approximately 37.3 per cent of protein.

On October 8, 1917, the defendants entered pleas of guilty to the information, and the court imposed a fine of $25 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6330. Adulteration and misbranding of oats. U. S. * * * v. Clark Fagg and Albert K. Taylor (Fagg & Taylor). Pleas of nolo contendere. Fine, $100. (F. & D. No. 7232. I. S Nos. 479-k, 592-k, 600-k, 1177-1180-k, 2921-k, 2923-2934-k, 3003-3004-k, 11466-11482-k. 13775-13777-k, 13779-13789-k.)

On August 21, 1916, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Clark Fagg and Albert K. Taylor, copartners, trading as Fagg & Taylor, Milwaukee, Wis., alleging shipment by said defendants, in violation of the Food and Drugs act, on or about December 12, 1914, December 30, 1914, January 2, 1915, January 7, 1915, January 8, 1915, January 11, 1915, January 18, 1915, January 19, 1915, January 20, 1915, January 21, 1915, January 22, 1915, January 26, 1915, and January 27, 1915, from the State of Wisconsin into the State of Maryland, or New York, or Pennsylvania, or Maine, or Connecticut, or Vermont, or Michigan, or Massachusetts, or New Jersey, or the District of Columbia, as the case might be, of varying quantities of an article purporting to be oats, which in some instances was adulterated, in others adulterated and misbranded, and in others misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the presence of barley and added water, each or both of which, as the case might be, were present in the oats.

Adulteration of the article in certain of the shipments was alleged for the reason that a certain substance, to wit, barley, had been mixed and packed therewith so as to reduce or lower and injuriously affect its quality and strength, and had been substituted in whole or in part for oats, which the article purported to be. Adulteration of the article in certain of the shipments was alleged for the reason that certain substances, to wit, barley and water, had been mixed and packed therewith so as to reduce or lower and injuriously affect its quality and strength, and had been substituted in whole or in part for oats, which the article purported to be. Adulteration of the article in certain of the shipments was alleged for the reason that a certain substance, to wit, barley, had been substituted in whole or in part for oats, which the article purported to be. Adulteration of the article in certain of the other shipments was alleged for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for oats, which the article purported to be.

Misbranding of the article in certain of the shipments was alleged for the reason that it consisted of, to wit, a mixture of oats and barley, and was offered for sale under the distinctive name of another article, to wit, oats. Misbranding of the article in certain of the other shipments was alleged for the reason that it consisted of, to wit, a mixture of oats, barley, and water and was offered for sale under the distinctive name of another article, to wit, oats. Misbranding of the article in certain of the other shipments was alleged for the reason that it consisted of, to wit, a mixture of oats and water and was offered for sale under the distinctive name of another article, to wit, oats.

On March 1, 1918, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of $100.

C. F. Marvin, *Acting Secretary of Agriculture.*

6331. Adulteration of tomato pulp. U. S. * * * v. 30 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7864. I. S. No. 2527-m. S. No. E-754.)

On November 20, 1916, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 cases, each containing 4 dozen packages of tomato pulp labeled in part, "Halethorpe Brand Tomato Pulp * * * Packed by V. G. Spindler, Halethorpe, Md.," remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped on or about October 17, 1916, by H. J. McGrath Co., Baltimore, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

December 5, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and on January 30, 1917, it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6332. Misbranding of oysters. U. S. * * * v. The Sea Food Co. Plea of guilty. Fine, $50 and costs. (F. & D. No. 7871. I. S. Nos. 11503-m, 11504-m, 11505-m.)

On August 20, 1917, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sea Food Co., a corporation, Biloxi, Miss., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about June 8, 1916, from the State of Mississippi into the State of Missouri, of quantities of an article labeled in part, "Frontier Brand Oysters," or "Bumble Bee Brand Oysters," which was misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed an average shortage of 15.8 per cent, or 12.7 per cent, or 11.7 per cent in the weight of the contents of the cans.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net contents 10 oz.," or "Contents 10 oz.," or "Contents 5 oz.," borne on the labels, attached to the cans, regarding the article, was false and misleading in that it falsely represented that each of the cans contained 10 ounces net, 10 ounces, or 5 ounces of the article, whereas, in truth and in fact, each did not, but contained a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 27, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6333. Adulteration of tuna fish. U. S. * * * v. National Wholesale Grocery Co., a corporation. Plea of guilty. Fine, $100. (F. & D. No. 7880. I. S. Nos. 510–1, 512–1.)

On April 24, 1917, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Wholesale Grocery Co., a corporation, doing business at Fall River, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 29, 1916, and April 15, 1916, from the State of Massachusetts into the State of New York, of quantities of an article labeled in part, "California Tuna," which was adulterated.

Analysis of samples of the article by the Bureau of Chemistry of this department showed that the contents of all the cans examined had a disagreeable, rancid odor, that the oil had leaked out of most of the cans, and that the inside surface of the tops of all the cans showed corrosion. The material was decomposed and putrid in the case of all the cans examined. The contents of all the cans showed high bacterial count, none of them being sterile.

Adulteration of the article in each shipment was alleged in the information for the reason that it consisted, in whole or in part, of a filthy, decomposed, or putrid animal substance.

On November 6, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100.

C. F. Marvin, *Acting Secretary of Agriculture.*

6334. Adulteration and misbranding of tomatoes. U. S. * * * v. 25 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7940. I. S. No. 2764-m. S. No. E-780.)

On December 28, 1916, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of canned tomatoes, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped on or about December 15, 1916, by the Webster-Butterfield Co., Baltimore, Md., and transported from the State of Maryland into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Webster's Best Brand Tomatoes, contents 1 lb. 3 oz."

Adulteration of the article was alleged in substance in the libel for the reason that added water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

Misbranding of the article was alleged in substance for the reason that the labeling and branding were false and misleading, and the cans were so labeled and branded as to deceive and mislead the purchaser thereof into the belief that each of the cans contained 1 pound 3 ounces of tomatoes, whereas, in truth and in fact, each can contained 15 per cent or other large proportion of added water.

On March 7, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the property should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6335. Adulteration and misbranding of vinegar. U. S. * * * v. 40 Cases of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7944. I. S. No. 1936-m. S. No. E-784.)

On January 1, 1917, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 cases, each containing one-half dozen 1-gallon packages of vinegar, at Bainbridge, Ga., alleging that the article had been shipped on or about March 31, 1916, by Knadler & Lucas, Louisville, Ky., and transported from the State of Kentucky into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Pure Cider Vinegar."

Adulteration of the article was alleged in substance in the libel for the reason that distilled vinegar or added dilute acetic acid had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for pure cider vinegar, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, borne on the label to the effect that the product was pure cider vinegar, was false and misleading, said statement being in regard to such product and the ingredients and substances contained therein, for the reason that said product contained distilled vinegar or added dilute acetic acid; and for the further reason that the statement, borne on the label to the effect that the article was pure cider vinegar, was calculated to deceive and mislead the purchaser for the reason that, as a matter of fact, it was not pure cider vinegar but contained, and consisted in part of, distilled vinegar or added dilute acetic acid. Misbranding of the article was alleged for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, cider vinegar, whereas, in truth and in fact, it was not pure cider vinegar, but contained, and consisted in part of, distilled vinegar or added dilute acetic acid.

On February 22, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6336. Adulteration and misbranding of tomatoes. U. S. * * * v. 25 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7964. I. S. No. 2765-m. S. No. E-790.)

On January 11, 1917, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of canned tomatoes, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped on or about December 19, 1916, by the Webster-Butterfield Co., Baltimore, Md., and transported from the State of Maryland into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Webster's Best Brand Tomatoes."

Adulteration of the article was alleged in substance in the libel for the reason that added water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

Misbranding of the article was alleged in substance for the reason that the statements borne on the label were false and misleading, and the article was labeled and branded so as to deceive and mislead the purchaser, the contents of the cans not being pure canned tomatoes as the statements on the label were calculated to and did induce the purchaser to believe, but, in truth and in fact, it contained 7 per cent or other large proportion of added water, and not what was represented on the labels thereon.

On March 7, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6337. Misbranding of A Texas Wonder. U. S. * * * v. 60 Dozen Bottles of A Texas Wonder. Tried to the court and a jury. Verdict for the Government. Decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 7981. I. S. No. 12063-m. S. No. C-621.)

On January 16, 1917, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 dozen bottles of A Texas Wonder, remaining unsold in the original unbroken packages at Dallas, Tex., alleging that the article had been shipped on or about November 4, 1916, by E. W. Hall, St. Louis, Mo., and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "A Texas Wonder—Hall's Great Discovery. Contains 43% Alcohol before Diluted, 5% after Diluted. A Texas Wonder, Hall's Great Discovery, for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism; Dissolves Gravel, Regulates Bladder Trouble in Children. One small bottle is 2 months' treatment and seldom fails to cure any case above mentioned. Dr. E. W. Hall, Sole Manufacturer, St. Louis, Mo.," and on circular, "For Kidney and Bladder Troubles, Rheumatism, and Kindred Diseases. A Texas Wonder, Hall's Great Discovery, has been employed with success in Rheumatism, Diabetes, Kidney and Bladder Troubles, cases of Gravel and other kindred diseases as appears from the following sworn testimonials and evidence."

Misbranding of the article was alleged in the libel for the reason that the above quoted statements, borne on the label, were false and fraudulent; and for the further reason that said article was labeled, "Dr. E. W. Hall, sole manufacturer," indicating that the product was manufactured by a physician, whereas E. W. Hall was not a physician, and this statement was therefore false and misleading.

On July 2, 1918, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the following charge was delivered to the jury by the court (Meek, *D. J.*):

Gentlemen of the jury: The United States procured what is termed in law a libel against 60 dozen bottles, more or less, of Texas Wonder, and took such bottles of Texas Wonder into its possession, charging that the statement on the package containing that liquid, which is denominated Texas Wonder, is false and fraudulent. Thereafter a claimant appeared in court, that is, E. W. Hall, claiming this liquid known as—put up in cartons—and known as Texas Wonder, and denying the allegations, made by the United States in its libel proceeding, to the effect that the allegations or statements on the cartons were false and fraudulent. The issue now on trial before you, and to be determined by the evidence adduced before you from the lips of the witnesses and from the written testimony, in the light of the law applicable to the case, and which is now given you; the issues to be decided by you, first, the evidence and the facts and circumstances in evidence, and second, the law applicable to that evidence, and to those facts and circumstances in evidence.

In the libel it is alleged as follows: "It is further stated that the said property (having reference to the Texas Wonder) is branded and labeled 'Texas Wonder, Hall's Great Discovery, contains 43 per cent alcohol before diluted, 5 per cent after dilution,' and 'Texas Wonder, Hall's Great Discovery for kidney and bladder troubles, diabetes, weak and lame back, rheumatism, dissolves gravel, regulates bladder trouble in children; one small bottle is two months treatment, seldom fails to cure any case above mentioned. Dr. E. W. Hall, sole manufacturer, St. Louis, Missouri.'"

It is further alleged that on the circular it reads, "For kidney and bladder trouble, rheumatism, kidney diseases; Texas Wonder, Hall's Great Discovery has been employed successfully in rheumatism, diabetes, kidney and bladder troubles, cases of gravel and other kidney diseases appears from the following sworn testimony and evidence."

The claimant of the 60 dozen bottles, more or less, of Teaxs Wonder alleges that the medicine will in fact do exactly what is represented that it will do, and that it is in no sense misbranded as in said libel charged, and as proof whereof, he offers sworn testimony of parties who have taken the same and benefited thereby as to its claim in its brand, of which the Government complains.

These, gentlemen, are the issues made by the pleadings in this case, and it is upon these issues which you have heard testimony from the witness stand, and it is from such testimony and evidence and facts and circumstances in evidence that you will reach your conclusion, as I have indicated, being guided and controlled as to the law of the case by the charge of the court.

Section 8 of the Pure Food and Drugs Act, as mentioned by the act of August 23, 1912, reads in part as follows: "That the term 'misbranded' as used herein, shall apply to all drugs or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food or drug therein, shall be falsely branded," etc.

Section 3 reads: "If its package or label shall bear or contain any statement, design, or device, regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent"—that is, the article shall be deemed misbranded under the terms of this law if its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances therein, which is false and fraudulent.

You have heard the evidence in this case, gentlemen; I need not review it before you. You have heard the argument pro and con upon this suit. I will be of what assistance I may in construing this statute and giving it application to the facts as they have been presented to you from the lips of the witnesses on the witness stand. You have heard the witnesses testify as to certain ailments, and to the fact that they have, among other remedies, secured and availed themselves of what is designated as Hall's Great Discovery, Texas Wonder. On the wrapper or carton containing the bottle, which is the customary method of getting the medicine to the public, is the following: "The Texas Wonder, Hall's Great Discovery for kidney and bladder troubles, diabetes, weak and lame back, rheumatism, dissolves gravel, regulates bladder trouble in children; one small bottle is two months' treatment and seldom fails to cure any case above mentioned."

You have heard from the physicians who have testified before you under oath the various diseases that are met with and commonly affect the kidneys and the bladder; you have heard them testify in regard to weak and lame backs, and it is in the light of their testimony, as well as the testimony of the defendant and the various witnesses introduced by the defendant, that you will determine whether or not the statement which I have read to you from the label is in any particular false and fraudulent; whether or not any part of this label, in the light of the facts adduced from the lips of the witnesses, is in any particular either false or fraudulent.

It is not difficult to grasp the object of our lawmakers in placing this law or enactment upon the statute books. It is for the protection of our citizens, to prevent medicine, through false statements made for the purpose of gain on the part of the person making them, and by which the individual citizen will be mulcted and defrauded by the purchase of goods which are misrepresented to him or to her. At the same time, the law is placed there on the statute books for the benefit and the protection of those who have remedies which they wish to submit to the citizenship of the country through the various channels of trade, and at the same time receive the protection of the law for their candid, true, and straightforward statements with regard to the result to be expected from the use or taking or the application of the medicine, or whatever pursuit it may be.

The evidence before you—I say this, I think, having considered it carefully and deliberately—is not, on the part of either party to this action, of the most convincing nature. It is not of a nature which is calculated to carry conviction to one who is reaching a conclusion on such evidence and facts and circumstances in evidence, about the correctness of which there can be no question whatever. The question is whether or not it is true in each and every particular thereon, every statement thereof. Witnesses have taken the stand and testified that they had weak backs, or testified that they had trouble with their liver or with their kidneys, and that they were benefited thereby. I believe some said that they were cured thereby, but the question is whether or not this treatment, as stated in the advertisement, seldom fails to cure any case above mentioned, which includes a number of cases, and I have reviewed them to you two or more times. The owner is not upon trial for a violation of the law in a criminal sense, but we are here to determine whether or not the original owner, the one who shipped out these cartons, is entitled to their return from the United States, they having been libeled by the United States, because he has been wrong, and because no such misstatement as it is claimed by the United States occurs in this advertising—that is the question. Is there a false and fraudulent

misstatement made in the advertisement which I have read to you, and which you have been considering for days, which justifies and warrants the United States in taking hold of and appropriating this 60 dozen bottles of Texas Wonder? Is there such false and fraudulent misrepresentation here as justifies the jury in saying these bottles should be appropriated and set aside, put aside, should not be returned to the owner thereof, who is here in court before you gentlemen claiming them? That is the function which you are to perform, sitting as judges of the facts.

Now, if you believe from the evidence, by a greater weight and preponderance thereof, that the advertisement contained in the paragraphs which I have read to you, is, and the statement contained in such advertisement regarding the curative and therapeutic effect of such article—that is, these bottles of Texas Wonder, or any of the ingredients or substances contained therein are false and fraudulent—then, in that event you will deny the application of the intervener to have these 60 dozen bottles, or thereabout, returned to him. On the other hand, if you believe—if you do not find from the evidence and facts and circumstances in evidence, that by a preponderance of the evidence that—that the statement concerning the therapeutic and curative effect of this remedy was false or misbranded—false and misbranded, then, and in that event you will—your verdict will be in favor of the claimant.

There must be in the advertisement or statement concerning drugs contained in the carton, a statement made, which in its nature is false, and which is fraudulently made. Now, then, did it seldom fail to cure any of the ailments stated in the face of the statment, concerning which—concerning the drug, did it, or did it not? That is for you, gentlemen, to decide. If it did fail, was the statement falsely placed there?

You gentlemen are the exclusive judges of the witnesses, and of the facts proved by the testimony given in evidence. If there is anything about the testimony of a witness that you hesitate about believing, you may take that into consideration. Does he testify fully and frankly, or does he exhibit a desire to see one side rather than be perfectly fair? You gentlemen, not the court, are the exclusive judges of the credibility of the witness and the weight to be given to their evidence, and of the facts proved by their evidence.

I believe I have covered in sort of a desultory and rambling way all the issues in this case. You gentlemen will take the case, and if you find against the claimant Hall you will simply say, "We, the jury, find for the United States." If you find for the claimant, your verdict will be, "We, the jury, find claimant entitled to the sixty dozen bottles," or whatever the portion is, "of the Texas Wonder."

Are there any suggestions?

Mr. Atwell. No suggestions except the formal exception to the refusal of these special charges.

The Court. I think I have given you this, although I will read it. You are instructed, that inasmuch as the Government charged the medicine was falsely and fraudulently branded, it is necessary to prove this allegation, and if you do not find that proven by a preponderance of the testimony, you will find for the claimant.

Now then, gentlemen, I feel that I should say that evidence pertaining to that is not only—is almost entirely circumstantial evidence, and circumstances which tend, either tend to or do not tend to prove—what were the ingredients of the medicine; what is the testimony as to whether or not they would cure the different ailments set forth and described in the writing or printing on the carton. Are these true? If not true, why was it put there? Is it false? If you should say, "Yes," then was it fraudulently done? What inspired the fraud, if perchance there was fraud? I am simply making these suggestions in order that you may have the views and mind of the court to assist you upon your deliberations. You will retire to your room, gentlemen, select your own foreman, and try to let your verdict reflect the truth of the transaction.

Thereupon the jury retired, and after due deliberation returned a verdict in favor of the Government, and on July 3, 1918, the court ordered the entry of a decree of condemnation and forfeiture, providing for the destruction of the product.

C. F. Marvin, *Acting Secretary of Agriculture.*

6338. Misbranding of 544 for the Treatment and Prevention of Hog Cholera. U. S. * * * v. The Thiele Laboratories Co., a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 7987. I. S. No. 11263-k.)

On May 1, 1917, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Thiele Laboratories Co., a corporation, Columbus, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 7, 1915, from the State of Ohio into the State of Indiana, of a quantity of an article labeled in part, "544 for the Treatment and Prevention of Hog Cholera," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the sample was an aqueous solution, slightly alkaline, consisting essentially of protein material, organic arsenic compound, sulphate, phenol, and a small amount of iodid and salicylate.

It was alleged in substance in the information that the article was misbranded for the reason that a certain statement appearing on the label falsely and fraudulently represented it as a treatment and preventive of hog cholera, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the leaflet accompanying the article falsely and fraudulently represented it as being effective to protect hogs from cholera, to render hogs immune from cholera, and to cure hogs of cholera, when, in truth and in fact, it was not.

On January 16, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6339. Misbranding of cottonseed meal and cake. U. S. * * * v. Choctaw Cotton Oil Co., a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 7991. I. S. No. 19960-l.)

On April 5, 1917, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Choctaw Cotton Oil Co., a corporation doing business at Ada, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 17, 1916, from the State of Oklahoma to the State of Missouri, of a quantity of an article labeled in part, "Cotton Seed Meal and Cake," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed 38.63 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on the label, to wit, "Guaranteed Analysis Protein, not less than 41 per cent," was false and misleading in that it represented to purchasers thereof that the article contained not less than 41 per cent of protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it contained not less than 41 per cent of protein, when, in truth and in fact, it did not, but contained a less proportion than 41 per cent thereof.

On July 20, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6340. Misbranding of Nuxcara. U. S. * * * v. Reuben B. Kelley. Plea of guilty. Fine, $25. (F. & D. No. 8010. I. S. No. 3633-l.)

On March 3, 1917, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Reuben B. Kelley, president of the Nuxcara Manufacturing Co., a corporation, Atlanta, Ga., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 24, 1916, from the State of Georgia into the State of Florida, of a quantity of an article labeled in part, "Nuxcara," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed 11.8 per cent of alcohol by volume. The product consisted essentially of a hydroalcoholic extract of cascara sagrada, strychnine, and berberine, with small amounts of sodium, potassium, lithium, and benzoic acid and indications of licorice, myrrh, anise, and ipecac. In suspension there were small amounts of calcium carbonate and phosphate and also calcium in solution.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements, appearing on the label of the bottle and carton, falsely and fraudulently represented it as a positive remedy for indigestion, dyspepsia, catarrh, bronchitis, rheumatism, neuralgia, and all diseases caused by indigestion and toxic conditions, and as a remedy for all forms of stomach trouble, for indigestion and malnutrition, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements, appearing in the booklet accompanying the article, falsely and fraudulently represented it as a cure for kidney and liver trouble, chronic appendicitis, indigestion, and dyspepsia, and as a treatment for the membranes of the stomach and intestines, when, in truth and in fact, it was not.

On November 11, 1918, the defendant entered a plea of guilty to the information and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

6341. Adulteration of eggs. U. S. * * * v. John W. Brown and Ben Gremm (Russian Poultry & Egg Co.). Plea of guilty by defendant Brown. Fine, $40 and costs. Dismissed as to other defendant. (F. & D. No. 8047. I. S. Nos. 10708-m, 10712-m.)

On April 5, 1917, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John W. Brown and Ben Gremm doing business as the Russian Poultry & Egg Co., Muskogee, Okla., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about August 8, 1916, and August 9, 1916, from the State of Oklahoma into the State of Kansas, of quantities of eggs which were adulterated.

Examination of the entire shipments, consisting of 2 cases in each shipment, by the Bureau of Chemistry of this department, showed 82.2 per cent of inedible eggs in the August 8 shipment and 38.4 per cent of inedible eggs in the August 9 shipment.

Adulteration of the article in each shipment was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On July 19, 1918, the defendant John W. Brown entered a plea of guilty to the information, and the court imposed a fine of $40 and costs. The information was dismissed as to Ben Gremm, whose death occurred subsequent to the filing of the information.

C. F. Marvin, *Acting Secretary of Agriculture.*

6342. Adulteration of eggs. U. S. * * * v. Wade H. Ford and Charles W. Hardin (Shelburn Poultry & Egg Co.). Plea of guilty as to Hardin. Fine, $10 and costs. Indictment nolle prossed as to Ford. (F. & D. No. 8065. I. S. No. 1711-m.)

On December 15, 1917, the grand jurors of the United States, within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned an indictment in the District Court of the United States for the district aforesaid against Wade H. Ford and Charles W. Hardin, doing business as the Shelburn Poultry & Egg Co., Shelburn, Ind., charging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 12, 1916, from the State of Indiana into the State of Pennsylvania, of a quantity of eggs which were adulterated.

Examination of 4 cases by the Bureau of Chemistry of this department showed 34.86 per cent of inedible eggs.

Adulteration of the article was charged in the indictment for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On February 1, 1918, the defendant, Charles W. Hardin, entered a plea of guilty to the indictment, and the court imposed a fine of $10 and costs. The indictment as to Wade H. Ford was nolle prossed.

C. F. Marvin, *Acting Secretary of Agriculture.*

6343. Adulteration of milk. U. S. * * * v. Marissa Creamery Co., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 8083. I. S. Nos. 11878-m, 11879-m, 12206-m.)

On August 8, 1917, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Marissa Creamery Co., a corporation, Marissa, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 16, 1916, September 19, 1916, and September 20, 1916, from the State of Illinois into the State of Missouri, of quantities of milk which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article in each shipment was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for milk, which the article purported to be.

On June 6, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6344. Adulteration of tomato paste. United States * * * v. 275 Cases of Tomato Paste Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 8091–8095. I. S. No. 12508–m. S. No. C–651.)

On February 16, 1917, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 275 cases, each containing 8 dozen cans of tomato paste labeled in part, "Asquith Brand Concentrated Tomato Paste, * * * Andrews Packing Co., Andrews, Md.," remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped on or about December 6, 1916, by William P. Andrews, Wingate, Md., and transported from the State of Maryland into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted of a filthy, decomposed, and putrid vegetable substance.

On March 11, 1918, the case having come on to be heard with respect to the 50 cases, more or less, of the product that had been seized, and no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6345. Misbranding of cottonseed meal. U. S. * * * v. The Buckeye Cotton Oil Co., a corporation. Plea of guilty. Fine, $100 and costs. (F. & D. No. 8097. I. S. Nos. 11061–11064–l.

On January 28, 1918, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Buckeye Cotton Oil Co., a corporation, doing business at Greenwood, Miss., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 27, 1916, April 28, 1916 (two shipments), and May 8, 1916, from the State of Mississippi into the State of Louisiana, of quantities of an article labeled in part, "Prime C. S. Meal, from the Buckeye Cotton Oil Co., Greenwood, Miss." which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department, showed the following results:

Shipments of	Apr. 27.	Apr. 28.	Apr. 28.	May 8.
Moisture (per cent)	7.95	7.97	8.43	8.06
Ether extract (per cent)	5.89	5.81	5.89	6.09
Crude fiber (per cent	13.0	13.8	13.3	13.3
Protein (N × 6.25) (per cent)	36.6	36.2	36.6	36.6
Nitrogen (per cent)	5.85	5.80	5.85	5.85

Misbranding of the article in each shipment was alleged in substance in the information for the reason that the statements, concerning the article and the ingredients and substances therein contained, appearing on the label, to wit, "Prime C. S. Meal. Guaranteed analysis, Protein 38.60, Fat 7.50, Fiber 12.00," were false and misleading in that they represented to purchasers that the article was prime cottonseed meal and contained not less than 38.60 per cent of protein, not less than 7.50 per cent of fat, and not more than 12 per cent of fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into a belief that it was prime cottonseed meal and contained not less than 38.60 per cent of protein, not less than 7.50 per cent of fat, and not more than 12 per cent of fiber, whereas, in fact and in truth, it did not contain 38.60 per cent of protein, and did not contain 7.50 per cent of fat, and did not contain 12 per cent or less of fiber, but contained less protein and fat and more fiber than was declared on the label.

On January 28, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6346. Adulteration and misbranding of vinegar. U. S. * * * v. Cornelius William Davis and Lester Davis (C. W. Davis & Sons). Plea of guilty by Cornelius William Davis. Fine, $40. Information nolle prossed as to Lester Davis. (F. & D. No. 8098. I. S. Nos. 1671-m, 1674-m.)

On June 21, 1917, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the said District an information against Cornelius William Davis and Lester Davis, copartners, trading as C. W. Davis & Sons, Washington, D. C., alleging that said defendants, on September 25, 1916, and September 26, 1917, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell quantities of vinegar which was adulterated and misbranded. The article was labeled in part, "Analostan Brand Table Vinegar" or "Analostan Brand Pure Apple Cider Vinegar," as the case might be.

Analyses of samples of the article by the Bureau of Chemistry of this department show the following results:

	The table vinegar.	The pure cider vinegar.
Solids (gram per 100 cc)	0.19	0.25
Reducing sugar after inversion (gram per 100 cc)	.06	.06
Ash (gram per 100 cc)	.05	.03
Total phosphoric acid (milligrams per 100 cc)	.17	.16
Acidity, as acetic (grams per 100 cc)	2.85	3.67
Lead precipitate	None.	None.

Each product is distilled vinegar or dilute acetic acid, artificially colored with caramel, and deficient in acid strength.

Adulteration of the article labeled, "Table Vinegar," was alleged in substance in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for vinegar, which the article purported to be; and for the further reason that it was a product composed of distilled vinegar and added water, a product inferior to vinegar, and was artificially colored so as to simulate the appearance of natural colored vinegar, and in a manner whereby its inferiority to natural colored vinegar was concealed.

Misbranding of the article was alleged for the reason that the statement, to wit, "Vinegar," borne on the label attached to the bottle, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was vinegar; and for the further reason that it was labeled "Vinegar" so as to deceive and mislead the purchaser into the belief that it was vinegar, whereas, in truth and in fact, it was not, but was an artificially colored product composed in part of added water.

Adulteration of the article labeled, "Apple Cider Vinegar," was alleged for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength; and for the further reason that a mixture composed of either dilute acetic acid or distilled vinegar and added water had been substituted in part for pure apple cider vinegar, which the article purported to be; and for the further reason that it was a product composed in part of either dilute acetic acid or distilled vinegar and added water, a product inferior to pure apple cider vinegar, and was colored so as to simulate the appearance of pure apple cider vinegar in a manner whereby its inferiority to pure apple cider vinegar was concealed.

Misbranding of the article was alleged for the reason that the statement, to wit, "Pure Apple Cider Vinegar," borne on the label attached to the bottle, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was pure apple cider vinegar; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure apple cider vinegar, whereas, in truth and in fact, it was not but was an artificially colored product composed in part of either dilute acetic acid or distilled vinegar and added water.

On June 21, 1917, the defendant Cornelius William Davis, entered a plea of guilty to the information, and the court imposed a fine of $40. A nolle prosequi was entered as to Lester Davis.

C. F. Marvin, *Acting Secretary of Agriculture.*

6347. Adulteration and misbranding of pepper. U. S. * * * v. McCormick & Co., a corporation. Plea of nolo contendere. Fine, $750 and costs. (F. & D. No. 8138. I. S. Nos. 495–l, 3226–l, 4805–l, 12101–m, 12102–m.)

On July 11, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against McCormick & Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 29, 1916, April 18, 1916, April 15, 1916, and June 20, 1916 (2 shipments), from the State of Maryland into the States of Delaware, New York, Georgia, and Kentucky, respectively, of quantities of pepper which was adulterated and misbranded. The article was labeled in part, "Banquet Brand Ground Black Pepper," or "Pure Ground Black Pepper," or "Pure Ground Singapore Black Pepper."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added pepper shells.

Adulteration of the article in each shipment was alleged in substance in the information for the reason that a substance, to wit, pepper shells, had been mixed and packed therewith, so as to lower or reduce and injuriously affect its quality, and had been substituted in part for pepper, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Pepper," borne on the barrel containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted exclusively of pepper; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted exclusively of pepper, whereas, in truth and in fact, it did not, but consisted of a mixture of pepper and added pepper shells.

On August 15, 1918, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $750 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6318. Adulteration and misbranding of grape brandy. U. S. * * * v. Russian Monopol Co., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 8172. I. S. No. 4637-l.)

On March 2, 1918, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Russian Monopol Co., a corporation, Brooklyn, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 10, 1916, from the State of New York, into the State of Maryland, of a quantity of an article labeled in part, "Grape Brandy," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results, expressed as parts per 100,000 of 100 degrees proof alcohol unless otherwise stated:

Net contents (fluid ounces)	24.7
Specific gravity 15.6°/15.6°C	.9174
Alcohol (per cent by volume)	43.4
Extract (gram per 100 cc)	.27
Ash (gram per 100 cc)	.03
Acidity, calculated as acetic	30.4
Esters, calculated as ethyl acetate	17
Fusel oil, calculated as amyl alcohol	39
Aldehydes, calculated as acetaldehyde	2.3

This product is composed of neutral spirits and brandy. The quantity of contents is not stated upon the label.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, neutral spirits, had been substituted in part for brandy, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement concerning the article and the ingredients and substances contained therein, to wit, grape brandy, appearing on the label, was false and misleading in that it represented to the purchaser that the article was grape brandy; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was grape brandy, when, in truth and in fact, it was not, but was a mixture of brandy and neutral spirits. Misbranding of the article was alleged for the further reason that although it was in package form, the quantity of the contents of the package was not plainly and conspicuously marked on the outside thereof in terms of weight, measure, or numerical count.

On March 16, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

6349. Misbranding of Dr. A. Upham's Valuable Electuary. U. S. * * * v. John Green Hall and Augustus Steele Hall, copartners (J. G. & A. S. Hall). Pleas of guilty. Fine, $100 and costs. (F. & D. No. 8182. I. S. No. 3919-m.)

On February 8, 1918, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Green Hall and Augustus Steele Hall, copartners, trading as J. G. & A. S. Hall, Oxford, N. C., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about October 7, 1916, from the State of North Carolina into the State of New York, of a quantity of an article labeled in part, "Dr. A. Upham's Valuable Electuary," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the sample was a tablet composed essentially of cream of tartar, potassium nitrate, resins, sugar, sulphur, gum, and vegetable extractives; no alkaloids.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the label falsely and fraudulently represented it as an infallible remedy for internal and external piles, for blind and bleeding piles, and as a remedy for all affections of the bowels, liver complaint, dyspepsia, and impurities of the blood, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements appearing in the circular accompanying the article falsely and fraudulently represented it as a remedy for piles, either internal or external, bleeding or blind, for paralysis, apoplexy; as a cure for tumors; as a remedy for measles and similar diseases, for changes resulting from the cessation of the menses due to change of life, for female disorders, such as inflammation and prolapsus, for consumption of the bowels; and as a cure for inflammation of the stomach, bowels, kidneys, and bladder, for spinal irritation, dizziness, dimness of vision, catarrhal affections, apoplexy, rheumatism, neuralgia, and all diseases of the skin, when, in truth and in fact, it was not.

On June 4, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $100 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6350. Adulteration of tomato paste. U. S. * * * v. 250 Cases * * * of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8196. I. S. No. 2141-m. S. No. E-835).

On March 24, 1917, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 250 cases of tomato paste, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Taormina Co., New Orleans, La., and transported from the State of Louisiana into the State of Pennsylvania, and was received at Pittsburgh, Pa., on or about February 17, 1917, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Buffalo Brand Tomato Paste * * * Puree Di Pomidoro."

Adulteration of the articles was alleged in substance in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On July 26, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 6301 TO 6350.

** Cases containing decisions of the courts or instructions to juries.*

S. R. A.—Chem. Suppl. 58. Issued September 8, 1919.

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 6351–6400.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., August 6, 1919.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

6351. Adulteration of imitation prune butter. U. S. * * * v. The Hirsch Brothers Co., a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 8241. I. S. No. 11364–m.)

On October 20, 1917, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hirsch Brothers Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 7, 1916, from the State of Illinois into the State of Ohio, of a quantity of an article labeled in part, "Pansy Brand Imitation Prune Butter," which was adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the presence of worms and insects; also numerous pieces of worms and insects which had been badly mutilated in the cooking process.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed animal and vegetable substance.

On June 26, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6352. Adulteration and misbranding of catsup. U. S. * * * v. Nicholas J. Janson. Plea of guilty. Fine, $100 and costs. (F. & D. No. 8243. I. S. No. 12550–1.)

On September 5, 1917, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nicholas J. Janson, Cincinnati, Ohio, alleging the receipt in interstate commerce by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 21, 1916, from the State of Kentucky into the State of Ohio, and the delivery by said defendant, in original unbroken packages, to a purchaser thereof, on or about February 22, 1916, of a quantity of an article labeled in part, "Guenther's Best * * * Pure Tomato Catsup, put up by the New Blue Grass Canning Co., Incorporated, Owensboro, Ky.," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to be partially decomposed.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed vegetable substance.

Misbranding of the article was alleged for the reason that it consisted of food in package form, and the quantity of the contents was not plainly and conspicuously stated on the outside of the packages in terms of weight, measure, or numerical count.

On May 27, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6353. Misbranding of Lower's Pure Blood Remedy. U. S. * * * v. Robert H. Lower. Plea of guilty. Fine, $10. (F. & D. No. 8263. I. S. No. 12031–m.)

On July 5, 1917, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert H. Lower, Hot Springs, Ark., alleging shipment on or about October 17, 1916, from the State of Arkansas into the State of Louisiana, by said defendant, in violation of the Food and Drugs Act, as amended, of a quantity of an article labeled in part, "Lower's Hot Springs Pure Blood Remedy," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the product to be a weak alcoholic solution containing sugars, small amounts of chlorids, iodids, and sulphates, probably as the sodium salts and vegetable extractives, among which are podophyllum and an atropine bearing drug.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements, appearing on the labels on the bottle and carton, falsely and fraudulently represented it as a treatment or remedy for syphilis, paralysis, catarrh, eczema, malaria, scrofula, ulcers, chancroids, sciatica, and all kinds of rheumatism, and all blood and skin diseases, when, in truth and in fact, it was not.

On June 18, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

C. F. Marvin, *Acting Secretary of Agriculture.*

6354. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Monroe Cotton Oil Co., a corporation. Plea of guilty. Fine, $100. (F. & D. No. 8289. I. S. No. 12046–m.)

On July 9, 1917, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Monroe Cotton Oil Co., a corporation, doing business at Monroe, La., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 6, 1916, from the State of Louisiana into the State of Mississippi, of a quantity of cottonseed meal which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed 6.44 per cent ammonia.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, cottonseed meal, containing, to wit, 6.44 per cent of ammonia, had been substituted in whole or in part for cottonseed meal containing 7 per cent of ammonia, which the article purported to be.

Misbranding of the article was alleged for the reason that it consisted of food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On April 1, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100.

C. F. Marvin, *Acting Secretary of Agriculture.*

6355. Alleged misbranding of digester tankage. U. S. * * * v. Joslin-Schmidt Co., a corporation. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 8301. I. S. Nos. 19636–m, 11340–m.)

On September 14, 1917, and May 14, 1918, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the Joslin-Schmidt Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 15, 1916, and trading under the name of The Groves Fertilizer Works, on or about October 2, 1916, from the State of Ohio into the State of Indiana, of quantities of an article labeled in part, "The Joslin-Schmidt Company, of Cincinnati, Ohio, Guarantees this 'Abattoir Brand' Digester Tankage to contain not less than * * * 60.0 per cent. of crude protein," which was alleged to have been misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

	Shipment of May 15	Shipment of Oct. 2
Nitrogen (per cent)	9.27	9.17
Crude protein (N×6.25) (per cent)	58.1	57.3

Misbranding of the article in each shipment was alleged in the information for the reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on the label, to wit, "The Joslin-Schmidt Company, of Cincinnati, Ohio, Guarantees this 'Abattoir Brand' Digester Tankage to contain not less than * * * 60.0 per cent. of crude protein," was false and misleading in that it indicated to purchasers thereof that the article contained not less than 60.0 per cent of crude protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 60.0 per cent of crude protein, when, in truth and in fact, it did not, but contained a less amount, to wit, approximately 58.1 per cent of crude protein or 57.3 per cent of crude protein, as the case might be.

On May 17, 1918, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the following charge was delivered to the jury by the court (Hollister, *D. J.*):

GENTLEMEN OF THE JURY:

The United States of America charges the Joslin-Schmidt Company, a concern you have heard described, with two offenses against the Food Act, which was passed by the Congress of the United States some time ago. These charges are contained in informations, as they are called, which differ from indictments in that indictments are found by the grand jury and informations are filed by the district attorney. It is immaterial to you whether this is an indictment or information, except that informations usually are filed upon misdemeanors, charging misdemeanors rather than crimes.

There is a difference between a misdemeanor and a crime in this way, if one is guilty, the greater disgrace of the one over the other, the crime having in it the meaning of infamous punishment, that is to say, punishment in the penitentiary. But the charges are criminal charges not withstanding, and the same degree of proof is required in order to prove what is alleged in an information as is required to prove what is alleged in an indictment.

The defendant starts out with presumptions in its favor, presumption of innocence, presumption of reputation and of good character. Now, those presumptions are in the nature of evidence. They attend the defendant from the beginning to the end of the case, until the jury shall think, if they should, them to be overcome by testimony and evidence beyond a reasonable doubt.

Now, a reasonable doubt has nothing especially doubtful or subtle in the meaning of it. It is a doubt for which a reason may be given, a reason satis

factory to the jury, and another way to put it is, that if the jury have an abiding conviction amounting to a moral certainty that the charge as made is true, then there is no room for reasonable doubt; and if they have not an abiding conviction amounting to a moral certainty that the charges as made are true, then they have room for reasonable doubt, and having room for a reasonable doubt, the only thing to do under those circumstances is to acquit. But if there is no reasonable doubt, then it is the duty of the jury to find them guilty.

At first the Government started out with one information containing two counts, one covering the case of the shipment to Pearson at Upland, Indiana, and the other to Krum at Milan, Indiana. In the second count, relative to Krum, reference was made to the descriptive parts of the first count and saying that they were incorporated in the second count. The district attorney, having found some mistake had crept into some part of the first count, asked the court to dismiss that count under what is called a *nolle prosequi*, a signification on the part of the Government of unwillingness to prosecute on that first count, and that was granted by the court. That left the second count in as the sole count, the sole charge in that information. While the first count was nollied, dismissed, withdrawn, nevertheless that left the reference in the second count to the descriptive part of the first count standing as a part of the second count; so that the second count of the first information, that having to do with the sale to Pearson, the shipment to Pearson, remains as the sole charge in the first information. Then the district attorney afterwards filed a second information, which contained in substance the same as the first count in the first information but with the mistake corrected. So you have two informations here, each containing one count—I think I have made it clear—one count having to do with the shipment to Pearson and the other count having to do with the shipment to Krum. The shipment in the one case was five hundred bags and the other was one hundred bags.

Now, what the Government says was an offense against the Food Act in each of these shipments was or is that in the first shipment, that to Pearson, of five hundred bags, there was a guaranty on the part of the defendant—and the same guaranty also as to the second shipment, that to Krum—that there was in this shipment 60 per cent of protein, a 60 per cent content of protein, whereas, in fact and in truth, as the information says, or words to that effect, that in the shipment to Pearson the content was only 58.1 per cent protein, and in the shipment to Krum 57.3 per cent protein content, in the one case a shortage of 1.9 per cent and in the other a shortage of 2.7 per cent.

The law under which these informations were filed, so far as we are interested in it now, says:

> "That it shall be unlawful for any person to manufacture within any territory or the District of Columbia any article of food or drug which is misbranded, within the meaning of this Act; * * * that the term 'misbranded' as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced."

Then further along it says it shall be regarded as misbranded "if labeled or branded so as to deceive or mislead the purchaser * * *."

Now, while this language says "misbranded in any particular," yet the charge is that it was misbranded because approximately the amount of protein in each of these packages was in the figures the Government charges. So we must regard this charge in the language in which it was made in the information, together with the meaning and purposes of this act.

Now, if the strict language of the act is followed, if it is misbranded in any particular, it wouldn't do to say it was misbranded approximately, because "approximately" has a different meaning, a different shade of meaning from what an exact figure would be if included within a charge of this kind. The fact of the matter is that the Government, in such a case as this, if we are to follow the testimony, could not make an exact charge, but approximately. So they are bound to say "approximately", if they are to make any charge at all.

Now, these acts are for the protection of the consumer, the public, both in food products and drugs, for humans and animals, and are to be so regarded.

But in the interpretation of acts of Congress of this kind, the purposes to be accomplished are to be borne in mind, the benefits which the Congress had in mind, and the evils which they sought to remedy. And in determining in this case just what must be established to maintain the offense, those things that I have just said must be borne in mind. Especially is that true when the subject-matter of the charges is of such character that it is impossible for the Government or anybody else, according to the testimony, to say exactly what the protein content of food, hog food of this kind, is.

Now, it is conceded by the Government that there is a variation in the results of the tests that are made, even when made with the greatest care, and that those variations may run from four-tenths to six-tenths of a per cent. Now, that being so, it is only fair to say that if the defendant's product had in it—either of these cases or both, giving the defendant the benefit of every doubt—59.40 per cent, that it would still come within what the Government would claim as a 60 per cent protein content. Then, the Government says that this is short of that, that each of these shipments is short of that, in that in the one there would be, after taking away sixty-one one-hundredths from one per cent and ninety one-hundredths—you could figure that out—and in the other case more than that—that there was a claimed difference, approximately, of 2.70 per cent. The Government must admit that you can still take sixty one-hundredths off of that, off of the difference in each case, and the Government now says that even with that there is this difference which that subtraction would still leave between a 60 per cent protein content less sixty one-hundredths, the 58.1 per cent as happened in one case and 57.3 per cent in the other, and therefore the defendant has been guilty of making these two shipments with at least that much difference, or substantially that much difference, and therefore the defendant has broken this law.

Now, in that connection, inasmuch as the purposes of all these acts is to protect the public in the purchase of articles of this kind and to prevent deceit, it doesn't make any difference what the intention or purpose of the person charged with the offense is. The manufacturer may be as innocent as an angel, and as little harmful as a lamb—I don't how I could put it any better than that—that is not the question. It is different than it is in most criminal cases, in which the intent has to be proven. It does not make any difference in such a case as this what the intention is; the manufacturer may be entirely, absolutely innocent of any intention to defraud or deceive anybody, and yet under the interpretation of this law which has been made, if the thing does not come up to the representation made, then the manufacturer must be regarded as guilty, whatever his intention or purpose was; even if he had intended to put in more than what he had guaranteed, it would be improper.

So that when you have boiled it all down, there is but one question for the jury to determine, and that is, whether or not, in each one of these shipments, there was a misbranding in that the representation made was of 60 per cent and that the protein content actually present was in one case approximately only 58.1 per cent and in the other 57.3 per cent. Now, how are you going to find that out? You don't know yourselves, unless it be that some of you have had some experience in these matters. You have got to find it out from the testimony of those who have made a study of matters of this kind and have had practical experience in them. Those men are called experts, and a man is entitled to be called an expert when he is expert, and that would depend upon the amount of his knowledge, the care with which he studied, the kind of a man he is, the make-up of his mind as far as you can see it, and his experience, both theoretical and practical. And you will take all of these witnesses on both sides and measure them up and determine which of them is really, on the whole, entitled to be given the greatest credit. I won't say credit in the way of weighing their credibility—they are all presumed to tell the truth and there is no reason, so far as any one can say here, why they should not tell the truth, I will touch on that in a minute—but credit by reason of the fact that they have a knowledge which the ordinary man has not.

All of these men should be given the greatest credit in the testimony they have given to the jury by reason of all of these circumstances which have been before you. Who of these probably knows more about it? Who of these witnesses has probably the greater information than the other, if you find any difference between them at all?

Then, of course, what I said a little while ago when I was talking about credit I did not mean that to apply to credibility, yet that must be taken into consideration also, because when you are determining what weight to give to the evi-

dence of a witness, if you find any motives of self-interest or desire to see one side or the other victorious, or any motive which you may discover which will tend to color his testimony, either consciously or unconsciously, you must give that weight in determining what weight to give to his testimony.

It is the duty of the jury to reconcile the testimony whenever they can, if the testimony is conflicting. This scientific testing of food products of this kind is not exact; it is not claimed to be; the conditions are such that it is hardly within, if within, human skill and care to make them so that the results may be exact. Theoretically they may be, but practically there are considerations which develop which prevent absolute accuracy.

Now, there is evidence tending to show that there are a number of factors which must be borne in mind when one is considering the accuracy of tests of this kind—the skill of the operator, the assayist; the weather conditions, whether dry or damp; the length of exposure to the atmosphere of the article to be assayed; the purity or want of it of the acids used in the tests; and then—and I don't intend to give them all, you have heard them all and you may remember them better than I do, probably do—but there are reasons why these tests are not absolutely accurate and why they may differ from each other even when the same sample is used, growing out of different conditions, growing out of different skill, growing out of the use of different acids, which may not be equally pure or of equal strength.

There is evidence tending to show that even when the same sample has been subjected to a number of tests, and those by the same person, there is some variance, as you have heard from the testimony.

There is evidence tending to show that in this very sample of material shipped to Pearson there is a difference between the Government assay and the assay made by the Chemical Department of Indiana, the Food Department of the State Chemist—I don't remember the title exactly—but it may have been two points or over; that is to say, two per cent.

Now, you have got to take the case as you find it; you have got to take the testimony as it is and make up your mind whether these two shipments were short or not in protein content. If they were, the defendant is guilty; if they were not, the defendant is not guilty, and your verdict will be in accordance with the conclusion you reach on that main question.

Now, on the subject of tags, there was no Government requirement that any tags should be on these bags. There was a requirement by the State Chemist's Department of Indiana, whatever the name of it is, as you have heard, that if a manufacturer of this kind of a product did business in Indiana he must make a certificate to the department stating the amount of protein he proposes the product shall contain; that is to say, he represented that his product would contain in these two instances 60 per cent of protein, and thereupon the department sends to him—by "him" I mean the manufacturer, the defendant in this case—tags or cards upon which that representation is printed; then when the defendant or the manufacturer ships the product into Indiana, for sale there, he is required to attach these cards to each bag of this kind of product. And thereupon there is the representation made, to whomsoever it comes, that each bag contains 60 per cent protein content.

Now, you have heard a good deal about the way samples are made for the purposes of chemical analysis. I expect you are as well qualified, after hearing this testimony, to say what a fair sample is as anybody else. Take all the evidence on that subject and make up your mind how to get a fair sample of this kind of product, under all the circumstances. The Government shows that sometimes the way to get a sample is to use the apparatus which you saw, and introduce it into the end of a bag, the bag lying down on its side, horizontally, and from the construction of the apparatus they could get a pretty fair representation of what the core is. Another of the Government's witnesses preferred to introduce the apparatus diagonally, as I understood him to say, down to the farther edge of the bag, so that he would get something from the outer part of it and something from the inside, whereas the other way they would get only the inside. Now, Mr. Schmidt has testified that the ingredients of the product are at least three, and that they are of different specific gravity, and that when shaken together the tendency of the particles which are of denser specific gravity is to be thrown off at the side when a pile is made. I gather from what he said that that part which was thus thrown off, and of the heavier or the greater specific gravity, contains a greater part of protein than the other. He says that when the different ingredients are thrown into the hopper the same tendency prevails; that when it is dropped into the bag the

same tendency prevails; that the product is let out slowly from the hopper into the bag by some sort of a shut-off—I don't know what to call it, particularly, but you know just what I mean; that after the bag is filled the workman who is doing the work smooths off the top of the bag, and I suppose closes it up. He says the same tendency is found when the product is dropped into the bag, and that the particles of heavier specific gravity would tend to fall to the outside. That is the basis of the claim on the part of the defendant that these samples taken by the Government were not fair samples, in that they—especially in the case of those that were taken by running the apparatus through the middle of the bag, from end to end—would not come in contact to so great a degree with the particles which were of the heavier specific gravity and containing more protein, which would tend to be on the outside of the mass and more nearly within the immediate encircling canvas or burlap of the bag. And the inference is, and the argument is, that the way to get a fair sample is to run the apparatus along the inside edge, just beneath the cover—that is to say, the bag—by doing that you would be more apt to get a greater protein content there than you would in the middle of the bag, or greater than if you ran it diagonally.

All this is for you to consider and debate about, and reach a conclusion upon when you are determining the character of the samples that were obtained, and when you are considering also the way these samples were manipulated afterwards, and whether or not, under all the circumstances, if you shall find the content was short, whether or not, under all the circumstances, with that finding, the sample of two-tenths of an ounce, made the way it was, would fairly represent the homogeneity of the contents of five hundred bags, in the first instance, of one hundred pounds each, and one hundred bags in the second instance, of one hundred pounds each.

And you are not to go at these matters in a narrow way. It is a large subject; it is a large subject both from the standpoint of the Government and from the standpoint of the manufacturer, and you are to determine from all that you have heard, as well as you can, whether this discrepancy which the Government claims has been proved beyond a reasonable doubt, in each case. If it has, the defendant is guilty; if it has not been so proved, the defendant is not guilty, and your verdict will be in accordance with the conclusion you will reach in each instance. But there are, you will remember, two charges, and your conclusion will be guilty or not guilty to each charge.

Now, gentlemen, I believe I have said all I can or care to, unless you have something to suggest.

Mr. Bruce. According to the testimony of Mr. Schmidt as to the separation of the particles, will your honor also refer to Mr. Proulx's testimony as to their making tests showing differences between the bottom and the top of the sacks?

The Court. I had overlooked that. Just as Mr. Bruce in substance said, the tests that they had made had shown that it made no difference, as I remember it, when you were considering the question of shipment. Am I right about that?

Mr. Bruce. Yes, your honor; these tests were made after shipment.

The Court. These tests were made after shipment, and Mr. Proulx did say, if I remember the substance of it—and if I am not [right] I want to be corrected—that the transportation would make no difference in the dispersion of the various particles in a bag, and would not cause—the inference is—would not cause or tend to cause the segregation of one particular kind of element to itself, particles of that kind to themselves. That, I think, is the substance.

Mr. Bruce. Yes, your honor.

Mr. Oliver. If your honor please, I should like to ask whether that testimony wasn't in reference to fertilizer?

Mr. Bruce. It was as to both. Mr. Proulx testified that they made a test on some five hundred shipments of fertilizer containing tankage and dried blood, to find out whether there was any difference in different parts of the sack. He also testified in a large number of cases where the manufacturers complained that their way of taking samples was not fair, that they had had a representative of the manufacturer there and they would take a new sample, using their instrument and withdrawing a core; then they would also dump the sack on the floor and take a sample that way. In those two cases he said they found no appreciable differences.

The COURT. Gentlemen, you have remembered all the testimony, I have no doubt—I hope so—and you will give such weight to it as you think it ought to have, in your judgment.

You may retire to the jury room, elect a foreman, and bring in a verdict in accordance with the law and the testimony, a verdict in each case.

Mr. OLIVER. If your honor please, I want to preserve our rights. I wish to except to that last charge as to the testimony of Mr. Proulx. I am informed that his testimony was as to fertilizer. Now, as to fertilizer——

The COURT. Just a minute—let me interrupt you. Of course, if that is so, then it was wrong to say what I did to the jury. Now, we must get that right, and the only way to do is to get it right out of what the stenographer has here. Are you going to withdraw what you said about his testimony? Are you going to withdraw what you have just said about that testimony?

Mr. BRUCE. I was going to withdraw the statement in this way, that as far as I know it makes no difference to us whether it was fertilizer or tankage. Mr. Smith said tankage and dried blood, Your Honor.

The COURT. We want to know what he said.

Mr. BRUCE. If Your Honor please, Mr. Smith has said it was a mixture of tankage and dried blood in the fertilizer.

The COURT. Are you willing to accept that?

Mr. OLIVER. No, that is fertilizer,—well, taking what he says now, then the charge, I claim now, is erroneous because a fertilizer is an entirely different thing from a digester tankage. This fertilizer is more or less wet. You can't have the same segregation in it that you would have in a dry product.

The COURT. Gentlemen, what I said about the testimony of Mr. Proulx had to do with what he said about fertilizer, and not digester tankage, and therefore the statement to you was incorrect and is withdrawn. I assumed that my young friend over there had it just right.

Mr. BRUCE. I thought it was, Your Honor.

The COURT. Now you may retire.

Thereupon the jury retired, and, after due deliberation, returned into court with a verdict of not guilty.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6356. Adulteration of tomato sauce. U. S. * * * v. Thomas Page. Plea of guilty. Fine, $100. (F. & D. No. 8304. I. S. No. 2171–m.)

On February 5, 1918, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas Page, Albion, N. Y., alleging shipment by said defendant, on or about November 22, 1916, in violation of the Food and Drugs Act, from the State of New York into the State of Pennsylvania, of a quantity of an article labeled in part, "Royal Kitchen Brand Tomato Sauce," which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to be partially decomposed.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 14, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100.

C. F. Marvin, *Acting Secretary of Agriculture.*

6357. Misbranding of cottonseed meal. U. S. * * * v. Roberts Cotton Oil Co., a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 8307. I. S. No. 19652-m.)

On August 8, 1917, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Roberts Cotton Oil Co., a corporation, doing business at Cairo, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 11, 1916, from the State of Illinois into the State of Indiana, of a quantity of an article labeled in part, "Memphis Brand Cottonseed Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed 37.1 per cent crude protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guarantee * * * 38.6 per cent. of crude protein," borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 38.6 per cent of crude protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 38.6 per cent of crude protein, whereas, in truth and fact, it contained less than 38.6 per cent of crude protein, to wit, 37.1 per cent of crude protein.

On August 3, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6358. Adulteration of milk. U. S. * * * v. Grafeman Dairy Co., a corporation. Plea of guilty. Fine, $75 and costs. (F. & D. No. 8327. I. S. Nos. 11877–m, 11880–m, 11882–m, 12410–m, 12413–m.)

On September 21, 1917, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Grafeman Dairy Co., a corporation, doing business at Shattuc, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on September 16, 1916, September 25, 1916, September 27, 1916, September 12, 1916, and September 15, 1916, from the State of Illinois into the State of Missouri, of quantities of milk which was adulterated.

Analyses of samples of the articles by the Bureau of Chemistry of the department showed the presence of added water, and further in two cases a filthy and decomposed product.

Adulteration of the article in all of the shipments was alleged in the information for the reason that a certain substance, to wit, added water, had been mixed and packed therewith, so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article, to wit, milk. Adulteration of the article in the shipments on September 12, 1916, and September 27, 1916, was alleged for the further reason that it consisted in part of a filthy and decomposed animal substance.

On June 15, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $75 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6359. Adulteration of catsup. U. S. * * * v. 44 Cases * * * of Catsup. Order of court for release of product on bond. (F. & D. No. 8333. I. S. No. 4787-m. S. No. E-857.)

On July 9, 1917, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 44 cases, each containing 4 dozen bottles of catsup, at Huntington, W. Va., alleging that the article had been shipped on or about April 27, 1917, and May 2, 1917, by Hirsch Bros. & Co., Louisville, Ky., and transported from the State of Kentucky into the State of West Virginia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Hirsch's Goodies Ketchup."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted of a partially decomposed vegetable product.

On September 25, 1917, Hirsch Brothers & Co., a corporation, claimant, having filed its answer to the libel declaring its willingness to pay the costs of the action, and having executed a good and sufficient bond in conformity with section 10 of the act, it was ordered by the court that upon payment of the costs of the proceedings, the product should be delivered to said claimant company.

C. F. Marvin, *Acting Secretary of Agriculture.*

6360. Adulteration and misbranding of Jonathan apples. U. S. * * * v. 581 Boxes of Jonathan Apples. Default order for destruction of the unfit portion of the apples and for the sale of those found to be fit for food. (F. & D. No. 456–c.)

On October 19, 1918, the United States attorney for the District of South Dakota, acting upon a report by the State Food and Drug Commissioner of the State of South Dakota, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 581 boxes of Jonathan apples remaining unsold in the original unbroken packages at Vermillion, S. Dak., alleging that the article had been shipped on October 1, 1918, by the Price-Smith Co., a corporation, Mayview, Mo., and transported from the State of Missouri into the State of South Dakota, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding of the article was alleged for the reason that the boxes in which the apples were shipped bore no markings whatever to show the net contents of the boxes in either weight or numerical count.

On October 21, 1918, in pursuance of a prayer contained in said libel, it was ordered by the court that the marshal should sort or cause to be sorted said apples, and destroy the filthy, decomposed, and putrid portion thereof, and that he should immediately cause to be sold that portion that was perishable or which, in his judgment, would become unfit for food prior to the date set for a final determination of the case.

On December 31, 1918, no claimant having appeared for the property, it was ordered by the court that the action of the marshal in destroying the filthy and decomposed portion thereof, and in selling the perishable portion thereof, should be in all things confirmed.

C. F. Marvin, *Acting Secretary of Agriculture.*

6361. Misbranding of cottonseed meal. U. S. * * * v. 500 Sacks of Cottonseed meal. Decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 459–c.)

On February 13, 1919, the United States attorney for the District of Maine, acting upon a report by the Department of Agriculture of the State of Maine, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 sacks of cottonseed meal remaining unsold in the original unbroken packages at Norway, Me., alleging that the article had been shipped on or about October 26, 1918, and transported from the State of Alabama into the State of Maine, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel for the reason that the sacks bore a label or inscription, bearing the statement regarding the ingredients or substances contained therein, to wit, "Surety Brand Cotton Seed Meal 100 lbs. Net Made by Union Seed and Fertilizer Co., Montgomery, Ala. Guarantee Protein--Not less than 36 per cent Equivalent to Ammonia 7 per cent Fat--Not less than 5.50 per cent Fibre--Not more than 14.00 per cent Carbohydrates--Not less than 27.00 per cent," which said label or inscription was false and misleading in that said sacks did not contain protein of 36 per cent, but contained an amount of protein materially less than 36 per cent; and for the further reason that the sacks did not contain 100 pounds net of cottonseed meal, but contained an amount materially less than 100 pounds.

On March 4, 1919, the American Cotton Oil Co., New York, N. Y., claimant, having entered its appearance and moved that it be permitted to file bond and pay the costs, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $3,000, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6362 (Supplement to Notice of Judgment 6149). Alleged misbranding of Dr. J. H. McLean's Liver and Kidney Balm. U. S. * * * v. Dr. J. H. McLean Medicine Co., a corporation. Decision of the Circuit Court of Appeals reversing the judgment of the trial court and a new trial awarded. (F. & D. No. 7760. I. S. No. 11107–l.)

On January 18, 1918, the defendant company's bill of exceptions was allowed and filed in a case wherein said company was convicted for a violation of the Food and Drugs Act involving the shipment in interstate commerce of a quantity of an article labeled in part, "Dr. J. H. McLean's Liver and Kidney Balm," which was alleged to have been misbranded.

On October 28, 1918, the judgment of the trial court was reversed and a new trial awarded as will more fully appear from the following decision by the United States Circuit Court of Appeals of the Eighth Circuit before Hook and Stone, Circuit Judges, and Munger, District Judge. The opinion of the court was delivered by Munger, District Judge:

The plaintiff in error, hereafter called the defendant, was convicted of a violation of the Food and Drugs Act of June 30, 1906 (34 Stat. 768), as amended by the act of August 23, 1912 (37 Stat. 416), under an information charging an interstate shipment of drugs that were misbranded. The information charged that defendant had shipped an article called Dr. J. H. McLean's Liver and Kidney Balm, and the misbranding charged was with reference to a number of statements made on the label on the bottle, on the carton in which the bottle was contained, and in circulars enclosed with the bottles regarding the curative or therapeutic effects of the medicine, which statements were alleged to be false and fraudulent.

The first assignment of error argued challenges the overruling of a motion in arrest of judgment. The defendant claims that the information states no offense under the statute because it is not charged that the statements made were known by the defendant to be false and fraudulent. The information alleged that these statements were applied by the defendant to the article knowingly and in reckless and wanton disregard to their truth or falsity. This was a sufficient description as against a motion in arrest of judgment of an intent to deceive which made such statements fraudulent. The allegations of the information need only be so specific as fairly to inform the defendant of the crime intended to be alleged and to make available a plea of former acquittal or conviction if a second prosecution were instituted for the same offense. Rev. Stats., sec. 1025; *Simpson* v. *United States*, 241 Fed. 841; *Dosset* v. *United States*, 248 Fed. 902.

In the instructions to the jury on the question of the fraudulent character of the statements made by defendant the court inadvertently said, that "one who makes a false statement, not knowing whether it is true or false, is as guilty of wrong as the man who makes a false statement knowing it is false." An exception was saved to this instruction. This portion of the charge was erroneous, as it permitted the jury to find that the false statements were fraudulent, although the defendant honestly believed them to be true. In cases of this character there must be proof of an actual intent to deceive, an intent that may be inferred from facts and circumstances, but which must be proved. *Seven Cases* v. *United States*, 239 U. S. 510; *Eleven Gross Packages, etc.* v. *United States*, 233 Fed. 71; *Samuels* v. *United States*, 232 Fed. 536. Other portions of the charge correctly stated the rule as to the good faith of the defendant, but did not purport to correct the portion of the charge we have quoted and did not cure the error, for the jury were at liberty to follow the erroneous portion of the instructions. *Mills* v. *United States*, 164 U. S. 644.

Complaint is made of the refusal of an instruction tendered by defendant to the effect that evidence of the good reputation of the defendant might be considered on the question of its guilt, and might alone be sufficient to raise a reasonable doubt of such guilt. The court gave an instruction that this evidence might be taken into consideration with the other testimony. This was the practical equivalent of the instruction requested and was sufficient. *Sandy White* v. *United States*, 164 U. S. 100.

As a part of the Government's case some well qualified physicians were called as witnesses and asked if a drug composed according to the formula

used by defendant in preparing this article would, in their opinions, be effective for the treatment of the diseases for which the defendant's labels and statements claimed it was effective treatment, and after answering that it would not be effective, they testified that there was no difference of opinion among medical men on that subject. Objections were made to this testimony and it is urged that it calls for the opinion of the witnesses, for a conclusion that only the jury could properly make, and that no conviction could be based on such matters of opinion. The testimony that there was a general agreement of medical opinion as to the therapeutic effect of such a preparation and what that general medical opinion was, was properly admitted to show the falsity of the statements made by defendant. *Seven Cases* v. *United States, supra; Eleven Gross Packages, etc.* v. *United States, supra; Simpson* v. *United States, supra; Samuels* v. *United States, supra; Moses* v. *United States,* 221 Fed. 863. The testimony of the physicians as to their individual opinions of the efficacy of the preparation would have been properly rejected, if there had been disclosed a difference of medical opinion on the subject, as a conviction could not properly rest upon a claim of fraudulent statements, when they were based upon mere matters of opinion on such debatable subjects; *School of Magnetic Healing* v. *McAnnulty,* 187 U. S. 94; *Bruce* v. *United States,* 202 Fed. 98. But a mere concurrence of such witnesses' opinions with the uniform course of medical opinion was not open to that objection.

To combat the theory of the prosecution that the statements of the defendant as to the therapeutic efficacy of its medicine for certain diseases were not founded in honest belief, the defendant offered in evidence a number of testimonials it had received. The defendant's president testified that he was the manager of its business and had found some of these testimonials in the company's safe when he had taken charge in 1911, and that others came to the company since that time. The Government's counsel objected to the offer because the testimonials had not been shown to be genuine and because the writers were not shown to have been qualified to state the nature of the disease from which they suffered. The court excluded them as not competent nor material. The defendant claims they were admissible to show the good faith of the defendant in preparing its challenged statements. If these letters had related to the statements made and had been seen by the defendant's manager and he believed them to be genuine and in that belief he had put forth the statements in issue, they would have been admissible on the question of intent without proof of their execution or of the truth of their subject matter. *Harrison* v. *United States,* 200 Fed. 662; 4 Chamb. on Evidence, Sec. 2649. As none of the testimonials are contained in the bill of exceptions, we can not say that they were pertinent to the particular statements of defendant in issue, and they were not material in any event on this record, because the witness did not testify that he relied upon them. The only question answered by him as to his faith in the medicine was asked "on the basis of those letters or any other information you had." There is no error shown in the exclusion of this line of evidence.

One other assignment of error relied upon, that the court erred in refusing to direct a verdict for defendant because there was no evidence of a fradulent statement, requires a brief statement of the charge in the information and of the evidence in its support. The information after alleging a misbranding of defendant's medicine by reason of false statements made in reckless and wanton disregard of their truth or falsity, set forth the statements made relating to the curative or therapeutic effects of the medicine for a very large number of diseases. One of the statements will suffice as an illustration, as follows: "Gall stones—Dr. J. H. McLean's Liver and Kidney Balm will aid in dissolving the gall stones so that they may pass away." The defendant admitted the making of this statement. Competent medical men testified that no known medicine would aid in dissolving gall stones in the human body and that there was no difference in medical opinion on that subject. There was no evidence to the contrary. The president of the company, who had had the management and conduct of the business since 1911, and had dictated its policy in every way, testified that he did not know and had never attempted to learn the therapeutic action of any of the ingredients of defendant's medicine, and that he was neither a druggist nor a doctor. As heretofore indicated, he based his belief in the general efficacy of the medicine on some source which was not definitely disclosed. The defense offered evidence to show that the Secretary of Agriculture, a year and a half before that shipment had notified the de-

fendant that the label on the bottle containing this medicine appeared to be misbranded with reference to the statement about gall stones and about other diseases, because the medicine contained no ingredient capable of producing the therapeutic effects claimed for it. This was sufficient evidence to require the court to submit to the jury the charge made in the information of a reckless disregard of the truth or falsity of the statements. *Eleven Gross Packages* v. *United States, supra; Samuels* v. *United States, supra; Moses* v. *United States, supra.* Because of the error in the instructions of the court, the judgment is reversed and a new trial awarded.

C. F. Marvin, *Acting Secretary of Agriculture.*

6363. Adulteration and misbranding of blackberry cider. U. S. * * * v. Atlantic Vinegar Co., a corporation. Judgment by default. Fine, $500. (F. & D. No. 7780. I. S. No. 1329-l.)

On March 9, 1917, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Atlantic Vinegar Co., a corporation, Richmond, Va., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 4, 1915, from the State of Virginia into the State of South Carolina, of a quantity of an article labeled in part, "Velvet Blackberry Flavor," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	6.8
Solids (grams per 100 cc)	2.34
Reducing sugar as invert before inversion (gram per 100 cc)	.75
Reducing sugar as invert after inversion (gram per 100 cc)	.76
Ash (gram per 100 cc)	.34
Esters as ethyl acetate (gram per 100 cc)	.026
Saccharin (gram per 100 cc)	.006
Benzoate of soda (gram per 100 cc)	.02
Color: Amaranth and Orange I.	

Adulteration of the article was alleged in the information for the reason that a substance, to wit, a solution of saccharin, had been substituted in whole or in part for blackberry cider, which the article purported to be; and for the further reason that it contained an added poisonous or deleterious ingredient, to wit, saccharin, which might render the article injurious to health.

Misbranding of the article was alleged for the reason that it was, to wit, a mixture composed in part of saccharin, benzoate of soda, and artificial coloring matter prepared in imitation of blackberry cider and was offered for sale and sold under the distinctive name of another article, to wit, blackberry cider. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 9, 1918, judgment by default was entered against the defendant company, and a fine of $500 was imposed.

C. F. Marvin, *Acting Secretary of Agriculture.*

6364. Adulteration of shell eggs. U. S. * * * v. 15 Cases of Shell Eggs. Default decree of condemnation. Unfit portion of the product ordered destroyed. Balance ordered released. (F. & D. No. 8339. I. S. No. 1202–p. S. No. E–859.)

On July 6, 1917, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases of shell eggs at Newark, N. J., alleging that the article had been shipped on or about June 25, 1917, by M. J. McConnell & Son, Gate City, Va., and transported from the State of Virginia into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it contained an excessive amount of eggs decomposed in whole or in part.

After the return of the monition in the case, the eggs were candled under the supervision of a representative of this department, and 3½ cases of the eggs found unfit for food were destroyed, and the remainder were released to be used for food purposes.

On July 17, 1918, no claimant having appeared for the property, a decree of condemnation nunc pro tunc was entered, and it was ordered by the court that all things theretofore done in respect to the property should be adjudged and decreed to have been done as required by the statute in such case made and provided.

C. F. Marvin, *Acting Secretary of Agriculture.*

6365. Adulteration of evaporated milk. U. S. * * * v. 100 Cases of Evaporated Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8342. I. S. No. 12242-m. S. No. C-706.)

On July 18, 1917, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 4 dozen cans of evaporated milk, remaining unsold in the original unbroken packages, at St. Louis, Mo., alleging that the article had been shipped on or about March 17, 1917, by the Badger Condensed Milk Co., South Germantown, Wis., and transported from the State of Wisconsin into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Gehl's Brand Sterilized Unsweetened Evaporated Milk, Badger Condensed Milk Co., South Germantown, Wis."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance; and for the further reason that it was labeled, "Sterilized," when, in truth and in fact, it was not sterilized.

On June 29, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6366. Adulteration of cottonseed meal. United States * * * v. Roberts Cotton Oil Co., a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 8353. I. S. No. 19346–m.)

On December 13, 1917, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Roberts Cotton Oil Co., a corporation, with a place of business at Cairo, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 24, 1916, from the State of Illinois into the State of Indiana, of a quantity of cottonseed meal which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed 6.91 per cent ammonia.

Adulteration of the article was alleged in the information for the reason that a product which contained less than 7½ per cent of ammonia had been substituted in whole or in part for prime 7½ per cent ammonia cottonseed meal, which the article purported to be.

On April 3, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6267. Adulteration and misbranding of vinegar. U. S. * * * v. Northern Pickle Co., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 8364. I. S. No. 22215–m.)

On January 19, 1918, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Northern Pickle Co., a corporation, Tacoma, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 29, 1917, from the State of Washington into the Territory of Hawaii, of a quantity of an article labeled in part, "Narada Apple Cider Vinegar, Manufactured by Northern Pickle Company, Tacoma, Wash.," which was adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (gram per 100 cc)	0.07
Glycerol (gram per 100 cc)	.18
Solids (grams per 100 cc)	1.71
Nonsugar solids (grams per 100 cc)	1.09
Reducing sugar as invert after evaporation before inversion (gram per 100 cc)	.62
Ash (gram per 100 cc)	.24
Acidity as acetic (grams per 100 cc)	3.99

Product is apple cider vinegar diluted with water.

Adulteration of the article was alleged in substance in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce or lower and injuriously affect its quality and strength, and had been substituted in part for cider vinegar, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Apple Cider Vinegar," borne on the labels attached to the bottles regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of apple cider vinegar; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of apple cider vinegar, whereas, in truth and in fact, it did not consist wholly of apple cider vinegar, but consisted of a mixture composed in part of added water.

On April 30, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6368. Adulteration and misbranding of gelatin. U. S. * * * v. 8 Barrels of Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8384. I. S. No. 9703–p. S. No. C–729.)

On August 9, 1917, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 barrels of gelatin consigned on May 16, 1917, remaining unsold in original, unbroken packages, at Kansas City, Mo., alleging that the article had been shipped by T. M. Duche & Sons, Chicago, Ill., and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that certain substances, to wit, zinc, arsenic, and copper in excessive quantities, had been mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the article purporting to be gelatin. Adulteration of the article was alleged for the further reason that there had been added certain poisonous and deleterious ingredients, to wit, zinc, arsenic, and copper, which might render the article injurious to health.

Misbranding of the article was alleged for the reason that it was offered for sale under the distinctive name of another article, to wit, "Pure food, gelatin," whereas, in truth and in fact, it was not pure food gelatin, but was adulterated as aforesaid.

On September 10, 1917, Charles Townsend & Bro., New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

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6369. Adulteration and misbranding of gelatin. U. S. * * * v. 3 Barrels * * * of * * * Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8386. I. S. No. 9202–p. S. No. C–728.)

On August 9, 1917, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels of a product purporting to be gelatin, remaining unsold in the original unbroken packages at Indianapolis, Ind., alleging that the article had been received on or about May 16, 1917, the same having been shipped by T. M. Duche & Sons, Chicago, Ill., and transported from the State of Illinois into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled in part, "G E L," and was invoiced as gelatin.

It was alleged in substance in the libel that the article was adulterated for the reason that glue had been mixed and packed therewith and had been substituted in part for gelatin so as to reduce, lower, and injuriously affect its quality; and for the further reason that it had mixed and packed with it copper, arsenic, and zinc, and said substances had been substituted in part for gelatin so as to reduce, lower, and injuriously affect its quality; and for the further reason that said copper, arsenic, and zinc may render the article injurious to health.

Misbranding of the article was alleged in substance for the reason that it was an imitation of, and was offered for sale under the distinctive name of, gelatin, when, in fact, it was not gelatin but was a product consisting in part of glue and in part of copper, arsenic, and zinc, which had been substituted in part for gelatin; and for the further reason that said product was labeled and branded so as to deceive and mislead the purchaser into believing that it was gelatin, when, in fact, it was not.

On October 10, 1918, Charles Townsend & Bro., copartners, New York, N. Y., claimants, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the product should not be used for food purposes or in the manufacture of articles of food.

C. F. Marvin, *Acting Secretary of Agriculture.*

6370. Adulteration of eggs. U. S. * * * v. 29 Cases of Eggs. Consent order for release of product on bond. (F. & D. No. 8390. I. S. No. 9311-p. S. No. C-726.)

On July 28, 1917, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 29 cases, each containing 30 dozen eggs, remaining unsold in the original unbroken packages, at Aurora, Mo., alleging that the article had been shipped on or about July 19, 1917, by the Batesville Produce Co., Batesville, Ark., and transported from the State of Arkansas into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On October 5, 1917, the Bergman Produce Co., claimant, having admitted the allegations of the libel and expressed willingness to pay the costs of the proceedings, it was ordered by the court that the product should be delivered to said claimant upon the execution of a bond in the sum of $200, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6371. Adulteration of shell eggs. U. S. * * * v. 6 Cases of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8391. I. S. No. 8510-p. S. No. C-727.)

On July 31, 1917, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases of shell eggs, remaining unsold in the original unbroken packages, at St. Louis, Mo., alleging that the article had been shipped on or about July 27, 1917, by Goodwin & Jean, Kensett, Ark., and transported from the State of Arkansas into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 29, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6372. Adulteration of shell eggs. U. S. * * * v. 11 Cases * * * of Shell Eggs. Order of court to separate good portion of eggs from those unfit for food and to sell the good eggs and to destroy the bad. (F. & D. No. 8392. I. S. No. 8219–p. S. No. C–731.)

On August 8, 1917, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 cases, each containing 30 dozen shell eggs, at Chicago, Ill., alleging that the article had been shipped on July 30, 1917, by Jacob Heib, Marion Junction, S. D., and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a filthy animal substance; and for the further reason that it consisted wholly of a filthy animal substance.

On August 10, 1917, the case having come on to be heard upon motion of the United States attorney for an order of disposition of the article, and it appearing to the court that said article was of a perishable character and rapidly deteriorating in quality and value, it was ordered by the court that the United States marshal be authorized and directed to separate, under the supervision of a representative of this department, such portion of the article as should be found fit for human food and to sell the same at the best price obtainable, and that the said marshal be further authorized and directed to destroy such portion of the article as should be found unfit for human food.

C. F. Marvin, *Acting Secretary of Agriculture.*

6373. Adulteration of shell eggs. U. S. * * * v. 5 Cases * * * of Shell Eggs. Order of court to separate good portion of eggs from those unfit for food and to sell the good eggs and to destroy the bad. (F. & D. No. 8393. I. S. No. 8220–p. S. No. C–732.)

On August 8, 1917, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 30 dozen shell eggs, at Chicago, Ill., alleging that the article had been shipped on August 1, 1917, by Brackney & Co., Clemons Grove, Iowa, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a filthy animal substance; and for the further reason that it consisted wholly of a filthy animal substance.

On August 10, 1917, the case having come on to be heard upon motion of the United States attorney for an order of disposition of the article, and it appearing to the court that said article was of a perishable character and rapidly deteriorating in quality and value, it was ordered by the court that the United States marshal be authorized and directed to separate, under the supervision of a representative of this department, such portion of the article as should be found fit for human food and to sell the same at the best price obtainable, and that the said marshal be further authorized and directed to destroy such portion of the article as should be found unfit for human food.

C. F. Marvin, *Acting Secretary of Agriculture.*

6374. Adulteration of eggs. U. S. * * * v. 6 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8394. I. S. No. 9316–p. S. No. C–733.)

On August 10, 1917, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases, each containing 30 dozen eggs, remaining unsold in the original unbroken packages at Joplin, Mo., alleging that the article had been shipped on or about August 5, 1917, by E. D. Bogle & Son, Grove, Okla., and transported from the State of Oklahoma into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On March 27, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6375. Adulteration and misbranding of lemons. U. S. * * * v. 27 Cases of Lemons. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8398. I. S. No. 9704–p. S. No. C–721.)

On July 30, 1917, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 27 cases of lemons, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped on or about July 7, 1917, by Cleghorn Bros., Highland, Calif., and transported from the State of California into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Fancy, Independent Brand, Highland Lemons."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal [vegetable] substance.

Misbranding of the article was alleged in substance for the reason that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof into believing that the lemons were fancy lemons, whereas, in truth and in fact, they were not, but on the contrary were filthy, putrid, and decomposed.

On February 16, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6376. Adulteration of elixir iron, quinine, and strychnine and adulteration and misbranding of chloroform liniment. United States * * * v. Ray T. Bailey. Plea of guilty. Fine, $40. (F. & D. No. 8403. I. S. Nos. 2680–m, 4641–m.)

On January 31, 1918, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Ray T. Bailey, alleging that said defendant did offer for sale and sell on February 9, 1917, at the District aforesaid, in violation of the Food and Drugs Act, quantities of iron, quinine, and strychnine, and chloroform liniment, the former of which was adulterated and the latter adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the iron, quinine, and strychnine elixir to contain only 4.08 grams of quinine hydrochlorid per 1,000 mils, and that glycerin was absent. The chloroform liniment was found to contain 2.14 grams of camphor per 100 cc, a shortage of 32.2 per cent, 21.06 cc per 100 cc of chloroform, or 101 minims of chloroform per fluid ounce, a shortage of 29.8 per cent, and 54.2 per cent of alcohol by volume, an excess of 15.3 per cent.

Adulteration of the iron, quinine, and strychnine was alleged in the information for the reason that it was sold under and by a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said National Formulary, official at the time of investigation of the article, in that said article contained in 1,000 mils 4.08 grams of quinine hydrochlorid, whereas said National Formulary provides that it shall contain in 1,000 mils 8.750 grams of quinine hydrochlorid; and further, in that the article contained no glycerin, whereas said National Formulary provides that it shall contain in 1,000 mils 300 mils of glycerin; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Adulteration of the chloroform liniment was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of investigation of the article, in that in 1,000 mils of the article there was 210.6 mils of chloroform, whereas said Pharmacopœia provides that in 1,000 mils of the article there shall be 300 mils of chloroform; and that in 1,000 mils of the article there was 21.4 grams of camphor, whereas said Pharmacopœia provides that chloroform liniment shall contain 700 mils of soap liniment, and that 700 mils of soap liniment shall contain 31.5 grams of camphor; and in that the article contained 54.2 per cent by volume of alcohol, whereas said Pharmacopœia provides that in 1,000 mils of the article there shall be 700 mils of soap liniment, and that in 700 mils of soap liniment there shall be 465 mils of absolute alcohol, corresponding to approximately 47 per cent of absolute alcohol by volume; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of this article was alleged for the reason that the statement, to wit, "Chloroform, 144 Min. in Fl. Oz. Alcohol 48%," borne on the label attached to the bottle regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 144 minims of chloroform to the fluid ounce and contained 48 per cent of alcohol, whereas, in truth and in fact, it did not, but contained less than 144 minims to the fluid ounce, to wit, 101 minims of chloroform to the fluid ounce,

and 54.20 per cent of alcohol; and for the further reason that the article contained chloroform and alcohol, and the label failed to bear a statement of the quantity or proportion of chloroform and alcohol contained therein.

On January 31, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $40.

C. F. Marvin, *Acting Secretary of Agriculture.*

6377. Misbranding of Shur-Pleez baby chick feed. U. S. * * * v. Ritter-Hennings Co., a corporation. Plea of guilty. Fine, $25. (F. & D. No. 8427. I. S. No. 19644-m.)

On October 18, 1917, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ritter-Hennings Co., a corporation, Louisville, Ky., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 22, 1916, from the State of Kentucky into the State of Indiana, of a quantity of an article labeled in part, "Shur-Pleez Baby Chick Feed," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude fat (per cent)	2.06
Crude protein (per cent)	11.06
Nitrogen (per cent)	1.77

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Ritter-Hennings Company of Louisville, Ky., Guarantees this Shur-Pleez Baby Chick Feed to contain not less than 5.1 per cent. of crude fat, 12.8 per cent. of crude protein," borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 5.1 per cent of crude fat and not less than 12.8 per cent of crude protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 5.1 per cent of crude fat and not less than 12.8 per cent of crude protein, whereas, in truth and in fact, it contained less crude fat and crude protein than was declared on the label, to wit, approximately 2.06 per cent of crude fat and approximately 11.06 per cent of crude protein.

On March 11, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

6378. Misbranding of olive oil. U. S. * * * v. George Acunto and Nicolas Finizio (Caserta Wine Co.). Plea of guilty. Fine, $125. (F. & D. No. 8431. I. S. Nos. 4867-m, 4891-m.)

On March 27, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Acunto and Nicolas Finizio, trading as the Caserta Wine Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on March 13, 1917 (two shipments), from the State of New York into the State of Maryland, of quantities of an article labeled in part, "Finest Quality Olive Oil ¼ Gallon Net," which was misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the following results:

Two Cans from One Shipment:	Gallon.	Shortage, per cent.
No. 1	0.216	13
No. 2	.214	14

Three Cans from the Other Shipment:	Gallon.	Shortage, per cent.
No. 1	0.215	14.0
No. 2	.208	15.8
No. 3	.215	14.0

The three cans from this shipment were only filled to within ¾ inch to 1 inch of the top. The cans if filled to the fullest capacity would barely hold ¼ gallon.

Misbranding of the article in each shipment was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously stated on the outside of the packages in terms of weight, measure, or numerical count.

On May 29, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $125.

C. F. Marvin, *Acting Secretary of Agriculture.*

6379. Adulteration of birch oil. U. S. * * * v. 3 Cans * * * of Birch Oil. Consent decree of condemnation and forfeiture. Property ordered released on bond. (F. & D. No. 8443. I. S. No. 1105–p. S. No. E–877.)

On August 8, 1917, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cans, each containing 50 pounds of birch oil, at Brooklyn, N. Y., which had been transported from the State of Tennessee into the State of New York, alleging that the article had been shipped on or about August 1, 1917, by M. G. Teaster, Roan Mountain, Tenn., and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it was mixed with synthetic methyl salicylate and extraneous oil, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the article, to wit, birch oil.

On September 14, 1917, the said M. G. Teaster, claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $250, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6380 (Supplement to Notices of Judgment 722, 2549, and 3398). Adulteration and misbranding of bleached flour. U. S. * * * v. 625 Sacks of Bleached Flour. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 1389. I. S. 15237-b. S. No. 514.)

On February 24, 1914, the Supreme Court of the United States handed down a decision in which the judgment of the Circuit Court of Appeals, reversing the judgment of the District Court, which decreed the condemnation, forfeiture, and destruction of the product in the above cited case, was affirmed, and the case remanded to the District Court of the United States for the Western District of Missouri for a new trial.

On April 21, 1919, counsel for the Government and for the Lexington Mill & Elevator Co., having reached an agreement as to a proper disposition of the case, and the same having come on for final disposition in the said United States District Court, the following decree was entered on said date:

NOW on this, the 21st day of April, 1919, comes Francis M. Wilson, United States attorney and proctor for the libelant, and by leave of court first had and obtained, amends the amended libel or complaint heretofore filed in this cause, to wit: on the 19th day of May, 1910, by striking out from the fourth page thereof the paragraph (*c*) reading as follows:

> (*c*) In that, by the treatment as aforesaid, the said flour has been caused to contain added poisonous, or other added deleterious ingredients, to wit: nitrites or nitrite reacting material, nitrogen peroxide, nitrous acid, nitric acid, and other poisonous and deleterious substances, which may render said flour injurious to health.

Now here comes also the Lexington Mill and Elevator Co., a corporation claimant herein, by Bruce S. Elliott, Esq., attorney and proctor for said claimant, and the said claimant thereupon, after the amending of the said amended libel as aforesaid, withdraws its claim and answer heretofore filed to the said amended libel or complaint, and withdraws its appearance and declines to further appear or to make any further claim, answer, or defense herein.

And this proceeding now coming on to be heard in due course, it is shown to the court that heretofore, to wit, on or about the 9th day of April, 1910, in the said Western Division of the said Western District of Missouri, and within the jurisdiction of this court, six hundred and twenty-five (625) sacks of flour, more or less, each containing forty-eight (48) pounds, more or less, of flour branded and labeled as follows, to wit: "L 48 Pounds Lexington Cream * * * Fancy Patent. This Flour is Made of Finest Quality Hard Wheat. Lexington Cream. Lexington, Nebraska, Lexington Mill and Elevator Company," (being still in the original packages) were taken, seized, and detained by the United States marshal for the district aforesaid, pursuant to an order and warrant of this court made and filed on said 9th day of April, 1910, and that the said marshal did publish a citation (in all respects pursuant to the said order of this court), giving notice generally unto all persons having, or pretending to have, any right, title, or interest in said property, to appear before this court in the City of Kansas City, Jackson County, Missouri, in the said judicial division and district on the following 30th day of April, if it should be a court day, or else on the next court day thereafter, at ten o'clock in the forenoon of said day, then and there to make known their claims and allegations in said matter, and which said notice was published (in all respects pursuant to the said order), by the said marshal for at least fifteen (15) days, exclusive of Sundays, prior to the said return day in the Kansas City Journal, a daily newspaper published and printed in Kansas City, Missouri, aforesaid, and within the division and district in which said property was situated; and it further now appearing to the court that no one has appeared as notified and required by the said citation; and it further appearing that the clerk of this court (in all respects pursuant to the said order of the court), did on said 9th day of April, 1910, issue the process and monition of this court usual in such cases; and it now appearing that no one has appeared thereto;

Now, therefore, it is ordered that the said amended libel be taken pro confesso; and the said cause coming on to be heard ex parte, and the court

being fully advised, doth find all of the allegations of said amended libel herein are true.

It is, therefore, ordered adjudged and decreed that the said six hundred and twenty-five (625) sacks of flour, more or less, as aforesaid, be and the same are hereby condemned and forfeited to the United States, and the marshal of this court is hereby ordered and directed to proceed to confiscate and utterly destroy all of said property, and to report to this court how he executed this order and decree.

It is further ordered adjudged and decreed that the taxed costs of the libelant herein, and the taxed costs of the claimant, be paid by the claimant, Lexington Mill and Elevator Company, said claimant in open court consenting thereto.

C. F. Marvin, *Acting Secretary of Agriculture.*

6381. Adulteration of shell eggs. U. S. * * * v. 22 Cases * * * of Shell Eggs. Order of court to separate good portion of eggs from those unfit for food and to sell the good eggs and to destroy the bad. (F. & D. No. 8451. I. S. No. 8330-p. S. No. C-730.)

On August 11, 1917, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 22 cases, each containing 30 dozen shell eggs, at Chicago, Ill., alleging that the article had been shipped on July 24, 1917, by Peterson-Biddick Co., Wadena, Minn., and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a filthy animal substance; and for the further reason that it consisted wholly of a filthy animal substance.

On August 11, 1917, the case having come on to be heard upon motion of the United States attorney for an order of disposition of the article, and it appearing to the court that it was of a perishable character and rapidly deteriorating in quality and value, it was ordered by the court that the United States marshal be authorized and directed to separate, under the supervision of a representative of this department, such portion of the article as should be found fit for human food and to sell the same at the best price obtainable, and to destroy the portion of the article found unfit for human food.

C. F. Marvin, *Acting Secretary of Agriculture.*

6382. Adulteration of eggs. U. S. * * * v. 5 Cases * * * of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8455. I. S. No. 9218–p. S. No. C–736.)

On August 13, 1917, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 30 dozen eggs, consigned on August 11, 1917, by C. H. Craycraft, Charlotte Furnace, Ky., remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped and transported from the State of Kentucky into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On January 25, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6383. Adulteration of citrate of magnesia. U. S. * * * v. William C. Field (Butler & Field). Plea of guilty. Fine, $40. (F. & D. No. 8458. I. S. Nos. 2235-m, 9812-m.)

On November 9, 1917, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against William C. Field, trading as Butler & Field, Washington, D. C., alleging that said defendant, on December 21, 1916, and February 9, 1917, at the District aforesaid, in violation of the Food and Drugs Act, offered for sale and sold quantities of an article labeled in part, "Solution of Citrate of Magnesia," which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Sale of December 21, 1916:	
Magnesium oxid (gram per 100 mils)	0.89
Sale of February 9, 1917:	
Magnesium oxid (grams per 100 mils)	1.04
Citric acid (grams per 100 mils)	5.33

Adulteration of the article in the sale on December 21, 1916, was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of the investigation of the article, in that the article contained in 100 mils of the solution, magnesium citrate corresponding to 0.89 gram of magnesium oxid, whereas the said Pharmacopœia provides that 100 mils of the solution shall contain magnesium citrate corresponding to not less than 1.5 grams of magnesium oxid, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Adulteration of the article in the sale on February 9, 1917, was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of investigation of the article, in that the article contained in 100 mils of the solution, magnesium citrate corresponding to 1.04 grams of magnesium oxid, whereas the said Pharmacopœia provides that 100 mils of the solution shall contain magnesium citrate corresponding to not less than 1.5 grams of magnesium oxid; and in that in 100 mils of the solution there were 5.33 grams [of] citric acid, whereas the said Pharmacopœia provides that in 350 mils of the solution there shall be 33 grams of citric acid corresponding to 9.43 grams citric acid in 100 mils of the solution; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On November 9, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of $40.

C. F. Marvin, *Acting Secretary of Agriculture.*

6384. Adulteration and misbranding of chloroform liniment. U. S. * * * v. George B. Bury. Plea of guilty. Fine, $20. (F. & D. No. 8460. I. S. No. 2263–m.)

On November 13, 1917, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against George B. Bury, Washington, D. C., alleging that said defendant, on February 8, 1917, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of an article labeled in part, "Chloroform Liniment," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	32.9
Chloroform (cc per 1,000 cc)	231
or (minims per fluid ounce)	111
Camphor (grams per 1,000 cc)	26.3

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of the investigation of the article, in that in 1,000 mils of the article there were 231 mils of chloroform, whereas the said Pharmacopœia provides that in 1,000 mils of the article there shall be 300 mils of chloroform; and in that in 1,000 mils of the article there were 26.3 grams of camphor, whereas the said Pharmacopœia provides that in 1,000 mils of the article there shall be 700 mils of soap liniment and that in 700 mils of soap liniment there shall be 31.5 grams of camphor; and in that the article contained 32.9 per cent by volume of alcohol, whereas the said Pharmacopœia provides that chloroform liniment shall contain 47 per cent by volume of absolute alcohol; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that the statement, to wit, "Chloroform 144 min. to each fl. oz. alcohol 48%," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that each fluid ounce of the article contained 144 minims of chloroform and that the article contained 48 per cent of alcohol, whereas, in truth and in fact, each fluid ounce of the article did not contain 144 minims of chloroform and did not contain 48 per cent of alcohol, but contained less than 144 minims of choloroform in each fluid ounce and contained less than 49 [48] per cent of alcohol, to wit, 111 minims of chloroform to each fluid ounce and 32.9 per cent of alcohol; and for the further reason that it contained chloroform and alcohol and the label failed to bear a statement of the quantity or proportion of chloroform and alcohol contained therein.

On November 13, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20.

C. F. Marvin, *Acting Secretary of Agriculture.*

6385. Adulteration of shell eggs. U. S. * * * v. 23 Cases * * * Shell Eggs. Order of court for separation of the good portion from the unfit portion. Good portion to be sold. Unfit portion destroyed. (F. & D. No. 8465. I. S. No. 8332–p. S. No. C–734.)

On August 14, 1917, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 23 cases, each containing 30 dozen shell eggs, at Chicago, Ill., alleging that the article had been shipped on August 4, 1917, by the Bell-Jones Co., Davenport, Iowa, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a filthy animal substance; and for the further reason that it consisted wholly of a filthy animal substance.

On August 15, 1917, it appearing to the court that the article was of a perishable character and was rapidly depreciating in quality and value, it was ordered by the court that the United States marshal be authorized and directed to separate, under the supervision of a representative of this department, such portion of the article as was found fit for human food, and sell the same at the best price obtainable, and that the unfit portion should be destroyed by said marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6386. Adulteration of apple cider. U. S. * * * v. 50 Barrels of Apple Cider. Default decree of condemnation, forfeiture, and destruction. Empty containers ordered sold. (F. & D. No. 8466. I. S. No. 9508–p. S. No. C–739.)

On September 7, 1917, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 barrels of apple cider, consigned on or about May 5, 1917, remaining unsold in the original unbroken packages at Memphis, Tenn., alleging that the article had been shipped by the Brockton Fruit Products Co., Brockton, N. Y., and transported from the State of New York into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of an added deleterious ingredient, to wit, salicylic acid, which rendered the article injurious to health.

On May 27, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the empty containers should be sold at public auction.

C. F. Marvin, *Acting Secretary of Agriculture.*

6387. Adulteration of eggs. U. S. * * * v. 140 Cases of Eggs and 24 Cases of Eggs. Consent decrees of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8471. I. S. Nos. 9710–p, 9711–p. S. No. C–738.)

On August 23, 1917, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 140 cases and 24 cases, each containing 30 dozen eggs, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped on or about August 8, 1917, by the Belle Springs Creamery Co., Abilene, Kans., and transported from the State of Kansas into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article in each shipment was alleged in the libels for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On August 25, 1917, the Union Pacific Railroad Co., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of bond in the aggregate sum of $1,100, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6388. Adulteration and misbranding of chloroform liniment. U. S. * * * v. J. French Simpson. Plea of guilty. Fine, $20. (F. & D. No. 8478. I. S. No. 4625–m.)

On November 5, 1917, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against J. French Simpson, Washington, D. C., alleging that said defendant, on February 8, 1917, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of an article labeled in part, "Chloroform Liniment," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Chloroform (cc per 100 cc)	15.66
or (minims per fluid ounce)	75.17
Shortage in chloroform (per cent)	47.8

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of the investigation of the article, in that in 1,000 mils of the article there were 156 mils of chloroform, whereas said Pharmacopœia provides that in 1,000 mils of the article there shall be 300 mils of chloroform, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that it contained chloroform and alcohol, and the label failed to bear a statement of the quantity or proportion of chloroform and alcohol contained therein.

On November 5, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20.

C. F. Marvin, *Acting Secretary of Agriculture.*

6389. Adulteration and misbranding of chloroform liniment. U. S. * * * v. Roger W. Duffey. Plea of nolo contendere. Fine, $20. (F. & D. No. 8479. I. S. No. 4908-m.)

On April 18, 1918, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Roger W. Duffy, Washington, D. C., alleging that said defendant, on February 8, 1917, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of an article labeled in part, "Chloroform Liniment," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	46.7
Chloroform (mils per 1,000 mils)	177

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of investigation of the article, in that in 1,000 mils of the article there were 177 mils of chloroform, whereas the said Pharmacopœia provides that in 1,000 mils of the article there shall be 300 mils of chloroform, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that it contained chloroform and alcohol, and the label failed to bear a statement of the quantity or proportion of chloroform and alcohol contained therein.

On April 18, 1918, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $20.

C. F. Marvin, *Acting Secretary of Agriculture.*

6390. Adulteration of apple cider. U. S. * * * v. 27 Barrels of Apple Cider. Default decree of condemnation, forfeiture, and destruction. Empty containers ordered sold. (F. & D. No. 8482. I. S. No. 9522–p. S. No. C–743.)

On September 21, 1917, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 27 barrels of apple cider, consigned on or about May 26, 1917, remaining unsold in the original unbroken packages at Memphis, Tenn., alleging that the article had been shipped by the Brockton Fruit Products Co., Brockton, N. Y., and transported from the State of New York into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of an added deleterious ingredient, to wit, salicylic acid, which rendered the article injurious to health.

On May 27, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the empty containers should be sold at public auction.

C. F. Marvin, *Acting Secretary of Agriculture.*

6391. Adulteration and misbranding of effervescente granulare. U. S. * * * v. Eugenio Lucarini (Lucarini & Co.). Plea of guilty. Fine, $50. (F. & D. No. 8483. I. S. No. 1753–m.)

On January 16, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Eugenia Lucarini, trading as E. Lucarini & Co., New York, N. Y., alleging the sale and delivery by said defendant, on December 6, 1916, in violation of the Food and Drugs Act, under a guarantee that the article was not adulterated or misbranded within the meaning of said act, of a quantity of an article labeled in part, "Effervescente Granulare," which was an adulterated and misbranded article within the meaning of the said act, and which said article, in the identical condition in which it was received, was shipped by the purchaser thereof, on or about December 7, 1916, from the State of New York into the State of Connecticut, in further violation of the said act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the product to consist essentially of a mixture of tartaric acid and bicarbonate of soda with boric acid amounting to 2.20 per cent.

Adulteration of the article was alleged in the information for the reason that it contained an added poisonous and deleterious ingredient, to wit, borax or boric acid, which might render the article injurious to health.

Misbranding was alleged for the reason that the article was a product composed of tartaric acid, sodium bicarbonate, and borax or boric acid, prepared in imitation of granular effervescent citrate of magnesia.

On Januay 29, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

6392. Misbranding of Kuhn's rheumatic remedy. U. S. * * * v. Kuhn Remedy Co., a corporation. Plea of guilty. Fine, $200 and costs. (F. & D. No. 8485. I. S. No. 11248–m.)

On February 7, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kuhn Remedy Co., a corporation, Chicago, Ill., alleging shipment on or about November 29, 1916, by said company, in violation of the Food and Drugs Act, as amended, from the State of Illinois into the State of Wisconsin, of a quantity of an article labeled in part, "Kuhn's Rheumatic Remedy," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the product to be a hydroalcoholic solution containing essentially potassium iodid, iodin, and sugar, with indication of small amount of plant material and aromatics.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the label falsely and fraudulently represented it as a remedy and cure for rheumatism, as a cure for old chronic cases of rheumatism, and as a treatment and cure for all forms of rheumatism, including acute, chronic, muscular, sciatic, and inflammatory, and as a permanent cure for rheumatism; as a remedy and cure for neuralgia, lumbago, and blood diseases, as a cure for old chronic cases of neuralgia, lumbago, and blood diseases, and as a permanent cure for neuralgia, lumbago, and blood diseases, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements appearing in the booklet accompanying said article falsely and fraudulently represented it as a preventive of organic heart troubles resulting from rheumatism, when, in truth and in fact, it was not.

On June 5, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $200 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6393. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Union Seed & Fertilizer Co., a corporation. Plea of guilty. Fine, $100 and costs. (F. & D. No. 8490. I. S. No. 2059–m.)

On April 5, 1918, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Union Seed & Fertilizer Co., a corporation, doing business at Montgomery, Ala., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 26, 1917, from the State of Alabama into the State of New York, of a quantity of cottonseed meal which was adulterated and misbranded. The article was guaranteed, in a contract with the purchaser thereof, to contain not less than 36 per cent protein.

Examination of a sample of the article by the Bureau of Chemistry of this department showed 34.19 per cent protein.

Adulteration of the article was alleged in the information for the reason that a product containing less than 36 per cent of protein, to wit, approximately 34.19 per cent of protein, had been substituted in whole or in part for 36 per cent protein cottonseed meal, which the article purported to be.

Misbranding of the article was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 5, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6394. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Producers' Cotton Oil Co., a corporation. Plea of nolo contendere. Fine, $25 and costs. (F. & D. No. 8494. I. S. No. 19951–m.)

On May 10, 1918, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Producers' Cotton Oil Co., a corporation, Yazoo City, Miss., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 27, 1916, from the State of Mississippi into the State of Michigan, of a quantity of cottonseed meal which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Cottonseed hulls (per cent)	39.
Ammonia (per cent)	5.62

Adulteration of the article was alleged in substance in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith, so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for cottonseed meal, which the article purported to be; and for the further reason that a product containing less than 7 per cent of ammonia, to wit, approximately 5.62 per cent of ammonia, had been substituted in whole or in part for 7 per cent ammonia cottonseed meal, which the article purported to be.

Misbranding of the article was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 14, 1918, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $25 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6395. Misbranding of cottonseed meal, or cracked screened cake. U. S. * * * v. Dixie Cotton Oil Mill, a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 8495. I. S. No. 20075-m.)

On January 2, 1918, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dixie Cotton Oil Mill, a corporation, Little Rock, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 27, 1916, from the State of Arkansas into the State of Illinois, of a quantity of an article labeled in part, "Cotton Seed Meal or Cracked Screened Cake," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Protein (N×6.25) (per cent)	35.3
Ether extract (per cent)	5.42
Crude fiber (per cent)	15.8

The product contains less protein and less fat, and more crude fiber than were guaranteed upon the label.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 38½ to 41%, Fat 6 to 8%, Crude Fibre 8 to 12%," borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 38½ per cent of protein, not less than 6 per cent of fat, and not more than 12 per cent of crude fiber; and for the further reason that it was labeled, as aforesaid, so as to deceive and mislead the purchaser into the belief that it contained not less than 38½ per cent of protein, not less than 6 per cent of fat, and not more than 12 per cent of crude fiber, whereas, in truth and in fact, it contained less protein and fat and more crude fiber than was declared on the label, to wit, 35.3 per cent of protein, 5.42 per cent of fat, and 15.8 per cent of crude fiber.

On February 26, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6396. Adulteration and misbranding of chloroform liniment. U. S. * * * v. Charles C. Read. Plea of guilty. Fine, $10. (F. & D. No. 8497. I. S. No. 2281–m.)

On December 18, 1917, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Charles C. Read, Washington, D. C., alleging that said defendant, on February 9, 1917, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of an article labeled in part, "Chloroform Liniment," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Chloroform (mils per 1,000 mils)	169
(minims per fluid ounce)	81
Camphor (grams per 1,000 mils)	39.3

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of the investigation of the article, in that in 1,000 mils of the article there were 169 mils of chloroform, whereas the said Pharmacopœia provides that in 1,000 mils of the article there shall be 300 mils of chloroform, and in that in 1,000 mils of the article there were 39.3 grams of camphor, whereas the said Pharmacopœia provides that in 1,000 mils of the article there shall be 700 mils of soap liniment, and that in 700 mils of soap liniment there shall be 31.5 grams of camphor; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that the statement, to wit, "144 Min. Chloroform per fluid ounce," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that each fluid ounce of the article contained 144 minims of chloroform, whereas, in truth and in fact, it did not, but contained less than 144 minims of chloroform in each fluid ounce, to wit, 81 minims of chloroform in each fluid ounce; and for the further reason that it contained chloroform, and the label failed to bear a statement of the quantity or proportion of chloroform contained therein.

On December 18, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

C. F. Marvin, *Acting Secretary of Agriculture.*

6397. Misbranding of barium rock spring water. U. S. * * * v. Barium Springs Co., a corporation. Plea of guilty. Fine, $10 and costs. (F. & D. No. 8500. I. S. No. 2406-m.)

On January 12, 1918, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Barium Springs Co., a corporation, Charlotte, N. C., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 9, 1917, from the State of North Carolina into the State of Georgia, of a quantity of an article labeled in part, "Barium Rock Spring Water," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

IONS.

	Milligrams per liter.
Silica (SiO_2)	40.5
Sulphuric acid (SO_4)	33.4
Bicarbonic acid (HCO_3)	88.5
Nitric acid (NO_3)	0.0
Chlorin (Cl)	2.5
Calcium (Ca)	29.2
Magnesium (Mg)	3.4
Potassium (K) Sodium (Na) by difference	11.0
Barium (Ba)	0.0
	208.5

HYPOTHETICAL COMBINATIONS.

	Grains per U. S. gal.	Milligrams per liter.
Sodium chlorid (NaCl)	0.24	4.1
Sodium sulphate (Na_2SO_4)	1.69	29.0
Magnesium sulphate ($MgSO_4$)	.98	16.8
Calcium sulphate ($CaSO_4$)	.03	0.5
Calcium bicarbonate ($Ca(HCO_2)_2$)	6.87	117.6
Silica (SiO_2)	2.36	40.5
	12.17	208.5

CONTENTS.

Bottle 1, 2 quarts, 5 fluid ounces.
Bottle 4, 2 quarts, 4 fluid ounces.
Bottle 6, 2 quarts, 2 fluid ounces.
Bottle 7, 2 quarts, 4½ fluid ounces.
Bottle 8, 2 quarts, 3 fluid ounces.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements borne on the labels of the bottle falsely and fraudulently represented it as a treatment for rheumatism, eczema, catarrh, scrofula, ulcers, and calculi, as a nerve tonic, and as a treatment for erysipelas, diabetes and all skin diseases, nervous troubles, Bright's disease, and dandruff, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that the statement, to wit, "Barium Rock Spring Water," borne on the labels attached to the bottles, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was a water which contained barium;

and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a water which contained barium, whereas, in truth and in fact, it was a water which contained no barium. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 5, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6398. Adulteration and misbranding of Grego beverage. U. S. * * * v. Brocton Fruit Products Co., a corporation. Plea of guilty. Fine, $500. (F. & D. No. 8503. I. S. Nos. 4728–m, 4729–m, 4730–m, 4731–m.)

On December 11, 1917, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Brocton Fruit Products Co., a corporation, Brocton, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 6, 1917 (4 shipments), from the State of New York into the State of Maryland, of quantities of an article labeled in part, "Grego Beverage," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

(4728–m)	Salicylic acid (gram per 100 cc)	0.043
	Coal tar color: None.	
(4729–m)	Salicylic acid (gram per 100 cc)	.045
	Colored with amaranth, S&J 107 and caramel.	
(4730–m)	Salicylic acid (gram per 100 cc)	.041
	Coal tar color: None.	
(4731–m)	Salicylic acid (gram per 100 cc)	.043
	Colored with caramel and a small amount of amaranth, S&J 107.	

Adulteration of the article in each shipment was alleged in the information for the reason that it contained an added poisonous or deleterious ingredient, to wit, salicylic acid, which might render the article injurious to health.

Misbranding of the article was alleged for the reason that the statements, to wit, "Artificially colored to conform with F. I. D. U. S. D. of A.," and "Contains 1/10 of 1% Benzoate of Soda," borne on the kegs containing the article, regarding it, and the ingredients and substances contained therein, were false and misleading in that they represented that the article was artificially colored to conform with [a] food inspection decision of the United States Department of Agriculture, and that it contained as a preservative $\frac{1}{10}$ of 1 per cent benzoate of soda; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was artificially colored to conform with [a] food inspection decision of the United States Department of Agriculture and that it contained as a preservative $\frac{1}{10}$ of 1 per cent of benzoate of soda, whereas, in truth and in fact, it was not artificially colored to conform with any food inspection decision of the United States Department of Agriculture and did not contain as a preservative any benzoate of soda but contained as a preservative salicylic acid. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 4, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $500.

C. F. Marvin, *Acting Secretary of Agriculture.*

6399. Adulteration of tomato pulp and adulteration and misbranding of peas. U. S. * * * v. William E. Cooke and Conrad H. Shanawolf (Cooke, Shanawolf Co.). Plea of guilty. Fine, $160 and costs. (F. & D. No. 8504. I. S. Nos. 2048–m, 2051–m, 3056–m.)

On August 13, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William E. Cooke and Conrad H. Schanawolf, trading as Cooke, Shanawolf Co., Baltimore, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 8, 1917 (two shipments), from the State of Maryland into the State of New Jersey, of a quantity of an article labeled in part, "Highland Square Brand Tomato Pulp * * * Packed by Cooke, Shanawolf Co., Baltimore, Md.," which was adulterated, and on or about May 10, 1917, from the State of Maryland into the State of New York, of a quantity of an article labeled in part, "Estele Brand Peas * * * Cooke, Shanawolf Co., Baltimore, Md. Contents 1 pound, 4 ounces," which was adulterated and misbranded.

Examinations of samples of the tomato pulp by the Bureau of Chemistry of this department showed that the pulp was made from moldy tomatoes.

Examination of samples of the peas by the Bureau of Chemistry of this department showed the following results:

Total weight (ounces)	23.5	24.2	24.8	24.3
Weight minus liquor (ounces)	14.8	14.6	15.4	14.9
Weight of can (ounces)	3.7	3.7	3.8	3.5
Weight of drained peas (ounces)	11.1	10.9	11.6	11.4
Weight of liquor (ounces)	8.7	9.6	9.4	9.4
Part of can not containing peas (per cent)	31.2	30.5	26.6	29.4

An excessive quantity of water was packed with these peas.

Adulteration of the tomato pulp in each shipment was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

Adulteration of the peas was alleged for the reason that a substance, to wit, an excessive amount of water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect their quality and strength, and had been substituted in whole or in part for peas, which the article purported to be.

Misbranding of the peas was alleged for the reason that the statement, to wit, "Peas," borne on the labels attached to the cans, regarding the article and ingredients and substances contained therein, was false and misleading in that it represented that the article consisted of peas and a normal amount of water; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted of peas and a normal amount of water, whereas, in truth and in fact, it did not, but consisted in part of an excessive amount of added water.

On August 13, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $160 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6400. Adulteration and misbranding of chloroform liniment. U. S. * * * v. Fred S. Phillips (Emergency Pharmacy). Plea of guilty. Fine, $20. (F. & D. No. 8505. I. S. No. 2268-m.)

On February 4, 1918, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Fred S. Phillips, trading as the Emergency Pharmacy, Washington, D. C., alleging that said defendant, on February 8, 1917, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of an article labeled in part, "Chloroform Liniment," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to contain 72.5 per cent of alcohol by volume, 48 cubic centimeters of chloroform per 1,000 cubic centimeters, a shortage of 84 per cent, and 15.3 grams of camphor per 1,000 cubic centimeters, a shortage of 51 per cent.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity, as determined by the test laid down in the said Pharmacopœia, official at the time of the investigation of the article, and in that in 1,000 mils of the article there were 48 mils of chloroform, whereas the said Pharmacopœia provides that in 1,000 mils of the article there shall be 300 mils of chloroform; and in that in 1,000 mils of the article there were 15.3 grams of camphor, whereas the said Pharmacopœia provides that in 1,000 mils of the article there shall be 700 mils of soap liniment, and that in 700 mils of soap liniment there shall be 31.5 grams of camphor; and in that the article contained 72.5 per cent by volume of alcohol, whereas the said Pharmacopœia provides that in 1,000 mils of the article there shall be 700 mils of soap liniment, and that in 700 mils of soap liniment there shall be 465 mils of absolute alcohol, corresponding to approximately 47 per cent of absolute alcohol by volume; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged in the information in that it contained chloroform and alcohol, and the label failed to bear a statement of the quantity or proportion of chloroform and alcohol contained therein.

On February 4, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20.

C. F. Marvin, *Acting Secretary of Agriculture.*

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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 6401–6450.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., August 1, 1919.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

6401. Adulteration of elixir of iron, quinine, and strychnine. U. S. * * * v. J. Williard McChesney and Paul Lee Joachim (McChesney & Joachim). Pleas of guilty. Fine, $20. (F. & D. No. 8506. I. S. No. 9836–m.)

On December 4, 1917, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against J. Williard McChesney and Paul Lee Joachim, trading as McChesney & Joachim, Washington, D. C., alleging that said defendants, on February 9, 1917, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of an article labeled in part, "McChesney & Joachim, Pharmacists. * * * Washington, D. C., Elix Iron, Quinine and Strychnine," which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Quinine hydrochlorid (grams per 1,000 mils)	5.7
Glycerin: Absent.	
Sugar (grams per 1,000 mils)	369

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity, as determined by the tests laid down in said National Formulary, official at the time of investigation of the article, in that said article contained in 1,000 mils 5.7 grams of quinine hydrochlorid, whereas said National Formulary provides that it shall contain in 1,000 mils 8.750 grams of quinine hydrochlorid; and in that said article contained no glycerin, whereas the said National Formulary provides that it shall contain in 1,000 mils 300 mils of glycerin; and in that in 1,000 mils of the article there was approximately 369 grams of sugar, which is not mentioned as an ingredient of elixir of iron, quinine, and strychnine in said National Formulary; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On December 4, 1917, the defendants entered pleas of guilty to the information, and the court imposed a fine of $20.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6402. Adulteration of elixir of iron, quinine, and strychnine. U. S. * * * v. Charles W. Wagner. Plea of guilty. Fine, $20. (F. & D. No. 8509. I. S. No. 2684–m.)

On November 21, 1917, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Charles W. Wagner, Washington, D. C., alleging that said defendant, on February 9, 1917, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of an article labeled in part, "Elix. Iron, Quinine and Strychnine * * * Chas. W. Wagner, Pharmacist, 5th St. & N. Y. Ave., N. W., Washington, D. C.," which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Total alkaloids (gram per 100 cc)	0.32
Calculated to quinine hydrochlorid (gram per 100 cc)	.39
Total sugars after inversion (grams per 100 cc)	14.6
Glycerin: Absent.	

Adulteration of the article was alleged in the information in that it was sold under and by a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said National Formulary, official at the time of investigation of the article, in that the article contained in 1,000 mils 3.9 grams of quinine hydrochlorid, whereas the said National Formulary provides that it shall contain in 1,000 mils 8.750 grams of quinine hydrochlorid; and in that in 1,000 mils of the article there was approximately 146 grams of sugar, which is not mentioned as an ingredient of elixir of iron, quinine, and strychnine in the said Formulary; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On November 21, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20.

C. F. Marvin, *Acting Secretary of Agriculture.*

6403. Adulteration and misbranding of elixir of iron, quinine, and strychnine. U. S. * * * v. J. Walter McDonald. Collateral of $20 forfeited. (F. & D. No. 8512. I. S. No. 9787–m.)

On March 19, 1918, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against J. Walter McDonald, Washington, D. C., alleging that said defendant, on February 8, 1917, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of an article labeled in part, "Elixir Iron, Quinine and Strychnine. Contains 24.3 per cent alcohol. J. Walter McDonald, Pharmacist, Cor. 4½ and L Sts. S.W., Washington, D. C." which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	17.8
Total alkaloid calculated to quinine hydrochlorid (gram per 100 cc)	.472
Glycerol: Present.	

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said National Formulary, official at the time of investigation of the article, in that it contained in 1,000 mils 4.72 grams of quinine hydrochlorid, whereas said National Formulary provides that it shall contain in 1,000 mils 8.750 grams of quinine hydrochlorid; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that the statement, to wit, "Contains 24.3 per cent alcohol," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 24.3 per cent of alcohol, whereas, in truth and in fact, it did not, but contained less than 24.3 per cent of alcohol, to wit, 17.8 per cent; and for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

On March 19, 1918, the case having been called and the defendant having failed to appear, the $20 that had been deposited by him to insure his appearance was forfeited.

C. F. Marvin, *Acting Secretary of Agriculture.*

6404. Adulteration of citrate of magnesia. U. S. * * * v. Philip A. Laddon. Plea of guilty. Fine, $20. (F. & D. No. 8513. I. S. No. 10044-m.)

On December 18, 1917, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Philip A. Laddon, Washington, D. C., alleging that said defendant, on February 8, 1917, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of an article labeled in part, "Solution of Citrate of Magnesia * * * P. A. Laddon, Prescription Pharmacist, 237 H St., Cor. 3d N. E., Washington, D. C.," which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Citric acid (grams per 100 mils)	6.9328
Magnesium oxid (grams per 100 mils)	1.2480

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of investigation of the article, in that the article contained in 100 mils of the solution magnesium citrate corresponding to 1.2480 grams of magnesium oxid, whereas the said Pharmacopœia provides that 100 mils of the solution shall contain magnesium citrate corresponding to not less than 1.5 grams of magnesium oxid; and in that the article contained in 100 mils of the solution 6.9328 grams of citric acid, whereas said Pharmacopœia provides that the article should contain 33 grams of citric acid in 350 mils of the solution, equivalent to 9.43 grams of citric acid per 100 mils of the solution.

On December 18, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20.

C. F. Marvin, *Acting Secretary of Agriculture.*

6403. Adulteration of citrate of magnesia. U. S. * * * v. Edward A. Helmsen (De Moll & Helmsen). Plea of guilty. Fine, $20. (F. & D. No. 8514. I. S. No. 9816–m.)

On December 4, 1917, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Edward A. Helmsen, trading as De Moll & Helmsen, Washington, D. C., alleging that said defendant on February 9, 1917, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of an article labeled in part, "Solution of Citrate of Magnesia * * * De Moll & Helmsen, Pharmacists, 9th & E. Capitol Sts., Washington, D. C.," which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Citric acid (grams per 100 cc)	7.28
Magnesium oxid (grams per 100 cc)	1.10

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of investigation of the article, in that it contained in 100 mils of the solution, magnesium citrate corresponding to 1.10 grams of magnesium oxid, whereas the said Pharmacopœia provides that 100 mils of the solution shall contain magnesium citrate corresponding to not less than 1.5 grams of magnesium oxid; and in that the article contained in 100 mils of the solution 7.28 grams of citric acid, whereas said Pharmacopœia provides that the article should contain 33 grams of citric acid in 350 mils of the solution, equivalent to 9.43 grams of citric acid per 100 mils of the solution; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On December 4, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20.

C. F. Marvin, *Acting Secretary of Agriculture.*

6406. Adulteration of peaches. U. S. * * * v. 500 and 700 Cases * * * Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8519. I. S. No. 2515–p. S. No. E–890.)

On October 6, 1917, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 500 cases containing 12,000 cans and 700 cases containing 16,800 cans of peaches, remaining unsold in the original unbroken packages at Pensacola, Fla., alleging that the article had been shipped on July 16, 1917, by Varn & Platt, Marshallville, Ga., and transported from the State of Georgia into the State of Florida, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Thunderbolt Brand Pie Peaches. * * * Packed by Varn & Platt Co., Marshallville, Ga."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On March 5, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6407. Adulteration of gelatin. U. S. * * * v. 2 Barrels of Gelatin. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 8528. I. S. No. 1431–p. S. No. E–900.)

On October 12, 1917, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels of gelatin at Huntington, W. Va., alleging that the article had been shipped on or about July 16, 1917, by the Kingery Manufacturing Co., Cincinnati, Ohio, and transported from the State of Ohio into the State of West Virginia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it contained added deleterious ingredients, to wit, zinc, copper, and arsenic, which might render the article injurious to health.

On April 16, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6408. Adulteration of shell eggs. U. S. * * * v. 114 Cases * * * of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8529. I. S. No. 10576–p. S. No. C–746.)

On September 24, 1917, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 114 cases, each containing 30 dozen shell eggs, alleging that the article had been shipped on September 13, 1917, by J. L. Beer & Co., New Orleans, La., and transported from the State of Louisiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted wholly of a decomposed animal substance, and for the further reason that it consisted in part of a filthy animal substance, and for the further reason that it consisted wholly of a filthy animal substance.

On September 26, 1917, the matter coming on to be heard upon motion of the United States attorney for an order of disposition of the article, and it appearing to the court that the article was of a perishable character and was rapidly deteriorating in quality and value, it was ordered by the court that the United States marshal be authorized and directed to separate, under the supervision of a representative of this department, such portion of the eggs as were found fit for human food and sell the same at the best price obtainable, and to destroy the portion of the eggs found to be unfit for human food.

On June 29, 1918, no claimant having appeared for the property, a formal judgment of condemnation and forfeiture was entered by order of the court.

C. F. Marvin, *Acting Secretary of Agriculture.*

6409. Adulteration and misbranding of candy. U. S. * * * v. Walter W. De Bevoise. Plea of guilty. Fine, $25. (F. & D. No. 8530. I. S. No. 5403-m.)

On March 2, 1918, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Walter W. De Bevoise, Brooklyn, N. Y., alleging shipment by said defendant, in violation of the Foods and Drugs Act, on or about November 18, 1916, from the State of New York into the State of Maryland, of a quantity of an article labeled in part, "Chocolate and Peanuts Jumbo Wonders * * * Manufactured by Walter W. De Bevoise, Brooklyn, N. Y.," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Iodin No. of fat	75.5
Refractometer reading of fat at 40° C	1.4613
Cottonseed oil test: Positive.	

Adulteration of the article was alleged in the information for the reason that an imitation chocolate, composed in part of cottonseed oil, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for chocolate and peanuts, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Chocolate and Peanuts Jumbo Wonders," borne on the package containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of chocolate and peanuts; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was composed wholly of chocolate and peanuts, whereas, in truth and in fact, it was not, but consisted in part of an imitation chocolate composed in part of cottonseed oil.

On March 9, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

6410. Adulteration of prunes. U. S. * * * v. Hampton Grocery Co., a corporation. Plea of guilty. Fine, $5. (F. & D. No. 8508. I. S. No. 11374–m.)

On December 24, 1917, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hampton Grocery Co., a corporation, Catlettsburg, Ky., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 2, 1917, from the State of Kentucky, into the State of Missouri, of a quantity of prunes which were adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the following results:

	Packages.	Cartons.
Number of prunes examined	66	55
Number of prunes worm-eaten	22	46
Per cent of prunes worm-eaten	33.3	83.7
Number of worms found (live)	3	4
Number of bugs found (live)	1	
All prunes showed webs, excreta, and other evidence of worminess.		

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed vegetable substance.

On May 27, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $5.

C. F. Marvin, *Acting Secretary of Agriculture.*

6411. Adulteration of tomato pulp. U. S. * * * v. 1,000 Cases and 500 Cases * * * of Tomato Pulp. Tried to the court and a jury. Verdict for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 8533. I. S. No. 1025–p. S. No. E–899.)

On October 18, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1,000 cases and 500 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages, at New York, N. Y., alleging that the article had been received on or about September 19, 1917, and October 5, 1917, having theretofore been shipped by the Booth Packing Co., Locust Point, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Diamond Brand Tomato Pulp Made from Tomatoes and Tomato Trimmings D. D. Mallory & Co. * * * Baltimore, Md. * * * ."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Thereafter the said Booth Packing Co., claimant, by its attorney, filed its motion for an order directing the marshal to release to said claimant 20 samples of the product for the purpose of analysis. On January 31, 1918, said motion was granted upon certain conditions, as will more fully appear from the following opinion of the court (Manton, *D. J.*):

No authorities are cited by counsel, nor do I find any, which require the United States to submit samples of the tomato pulp in question to the claimant's counsel or their experts for analysis and investigation. It is a privilege accorded the claimant by the United States Attorney, and the conditions upon which such an examination is allowed in this case are liberal. If a limited number of cans are taken from each and these be deemed representative of the entire shipment, it should be satisfactory to the claimant. The proof will not require examination of each particular can in order to work a forfeiture to the libellant.

The motion will be granted upon these conditions.

On July 10, 1918, the consolidated case came on for trial before the court and a jury, and after the submission of evidence and arguments by counsel on July 15, 1918, the following charge was delivered to the jury by the court (Grubb, *J.*):

Gentlemen of the jury: It is necessary for me in the first place to call your attention to the fact that there are two cases being tried by arrangement, as one case under this testimony, under which separate verdicts are required to be rendered by you, although, of course the result of the one verdict will be the same as the other, that is, the same evidence applying to each, we will have a verdict of the same kind with reference to both cases.

The first case is 377. In that case the Government of the United States seeks to condemn a shipment of five hundred cases of tomato pulp which was seized, as has been described to you. In No. 378, the other case, the Government seeks to condemn one thousand cases of tomato pulp seized as has been described to you. As I say, those two cases are before you for decision upon the same testimony, but in order to keep the record straight it is necessary for you to render a separate verdict in No. 377, and a separate verdict in No. 378, although the verdict will be of the same tenor and effect in each case, as the evidence is the same, and therefore should produce in your minds the same result in each case.

Now, these are both cases that arise in this way: The Government has seized and by these libels seeks to condemn these shipments of tomato pulp upon the idea that they were shipped in interstate commerce in violation of the Pure Food and Drug Act, passed by Congress. After the seizure of one of the shipments the Booth Packing Company intervened and claimed the shipments, and that makes that litigation, and the controversy between the Government on the one hand, and the claimant, the Booth Packing Company, on the other hand,

and the only question involved is whether these shipments are subject to seizure under the Pure Food and Drug Act.

As a condition to any such seizure it is necessary that the seized shipment should travel in interstate commerce, because Congress has no jurisdiction over food products except as they enter into interstate commerce, therefore, the preliminary question would be, except for the concession that I will call your attention to, whether these shipments entered into interstate commerce before their seizure. But, it is conceded on the record that the shipments had entered into interstate commerce and were in interstate commerce at the time of the seizure, so you need not trouble yourselves with that question, since it is conceded on both sides that that is the case.

It is further conceded that the samples that have been used, that is the cans that were used for the purpose of investigation, were parts of the two shipments and were fairly representative of the other cans in the shipments. In other words, to avoid the impossibility of investigating each can, it comes before you that the cans that had been produced are fairly representative of the shipments, and that they were taken from the shipment. Their identity, as far as the shipments are concerned, is conceded, and that they were fairly representative of the shipments is conceded.

Now, the Pure Food and Drug Act affecting interstate shipments prohibits shipments of food products that are either putrid, filthy, or decomposed. In this case the Government lays no stress on the word "putrid". It does claim that this tomato pulp was filthy and decomposed; filthy, as I understand it, because it had sediment in the bottom of it, and decomposed because it was made from what the Government claims was decomposed stock when it was originally made.

Now, those are the questions that are presented for your decision, whether the shipments in question were either filthy or decomposed in the sense claimed. The burden is on the Government to reasonably satisfy you from the evidence, of one of those two propositions, either that they were filthy or that they were decomposed. If it has reasonably satisfied you of either the one or the other, then the product is subject to condemnation. If it has failed to satisfy you that the product was either filthy or decomposed, in other words, if you do not believe it was filthy, and do not believe it was decomposed, then the claimant is entitled to your verdict.

Now, what "filthy" means outside of its being synonymous with decomposed, is what it means in ordinary use, that is, a product that is unclean, foul, and dirty. Whether you believe that this proof relating to the sediment which has been testified was seen, would bring the product within that description, is for you to say. It must be filthy in the sense I have defined, that is, dirty, unclean, and unfit for use by reason of its uncleanly condition.

Passing from that for a minute, the other thing that the Government lays stress on is that this product was decomposed within the meaning of this law, and decomposed within the meaning of the law means decayed or rotten, using these words in their ordinary acceptation, that is, what you or I would call decayed or rotten in ordinary conversation. That is the significance to be applied to the terms of the statute, and not the scientific meaning of decay or the scientific meaning of decomposition, which means a different thing from what is understood in ordinary conversation.

It is not essential of course, in order that you should find that the product was decomposed within the meaning of the statute, that the Government should show that it was, by reason of that decomposition, injurious to health, because its shipment in interstate commerce is prohibited if it is decomposed, and that applies without reference to the effect of the decomposition on the health of the consumer. Congress may have intended to conserve the taste of the consumer in preventing shipments of decomposed food products in interstate commerce, that is, it may have been the intention of Congress to preserve the consumer against the use of decayed products from the points of taste rather than from the point of health. However that may be, there is no qualification in the statute which limits the denomination of this class of stuff to such products as injure health. If they are decomposed within the meaning given you, the common acceptation, even if they have no deleterious effect on health, the shipment then comes within the inhibition of the statute.

The Government claims that they were decomposed, because it claims that the product was made from rotten tomatoes, and therefore the result must be that the product itself is rotten. The Government has not, and of course could not, introduce eyewitnesses to testify to the character of stock that went into these

particular shipments of tomatoes. It does not ask you to arrive at your conclusions from the testimony given by witnesses who have seen the original tomatoes that made up the product, but they ask you to arrive at your deduction in the reverse way—that is, by determining by analysis what is in the product, and by an inference, which it claims is a legitimate inference, arrive at a conclusion that the stock must have been rotten that went into the product because of the character of the product itself.

The evidence tends to show that there are three things which cause rot in vegetable matter of this kind—bacteria, yeast, and mold.

The Government has placed no reliance on any excess of bacteria or yeast as rot producers in these tomatoes. Dr. Howard testified that his examination developed that there was no excess of bacteria and no excess of yeast, and therefore he made no further examination, and the Government does not rely on either of those as causes of rot, which, it claims, existed in this product. Its reliance is placed on an excess of mold in the product, and it claims the evidence shows that this was produced by rotten tomatoes. As I said, it does not get that conclusion by showing by witnesses what the tomatoes looked like before they went into the product, because that naturally would be impossible, but it claims that you have a right to deduce from the fact that it has shown, as it claims, that there was an excessive mold in the product, and that mold produces rot, that therefore there must have been rot in the tomatoes. This method on arriving at that, as I understand, is designated as the Howard method.

That method is this: A microscopic analysis is made of the product or a sample of the product, and a count of the mold field is made, microscopically, from the specimen of the product. After having arrived at the number of fields shown in the specimen the Government has its first premise. Then, under this method, experiments are made on stock that it actually has seen of sound tomatoes, and partially rotten tomatoes, and wholly rotten tomatoes, and by these experiments the Government seeks to convince you that there is a relation between the mold count and the character of the original stock as to rot. In other words, it has caused experiments to be made in cases where it could see the condition of the stock, and has caused microscopic analyses to be made of the amount of mold in a product where it has seen the stock, and thereby arrive by experiment at what it deems the rule as to the relation between the number of fields showing mold count in the product and the character of the stock in the product. It claims that it shows that there is a relation between the mold count, the fields containing mold, and the character of the stock that entered into the product which was the subject matter of the experiment.

In applying that rule to this case, where it has not seen the stock, they claim that, if it shows a certain number of fields showing mold count in the experiment, they can, by this rule, show the relation between the number of fields showing mold count and the rot in the original stock.

As I understand the contention of the Government's witnesses, it is that a percentage of something like 66 per cent of mold count would indicate a percentage of rot in the product of something like 6 per cent; that thereafter the percentage of rot rapidly increases; when the mold count increases above 66 per cent the percentage of rot in the original product increases rapidly, and for that reason they say that it is fit to use a stock containing less than approximately 6 per cent, but have prohibited a stock that contains a greater proportion than 6 per cent.

You have heard the testimony of Dr. Howard as to the mold count taken from these shipments, and you have heard the testimony of the claimant on that subject matter. It is for you first to determine what you believe from the evidence to be the character of this product as to the quantity of mold indicated by this microscopic analysis. Then it is also your duty, having done that, if you can do it, to determine what the proportion of rot in the product would be under that rule, if the rule is the correct one, from the amount of mold you determine the product to contain according to this count by microscope. If, after having done that, you arrive at the conclusion that the product itself is rotten in the sense of the statute, that is, that it was made from rotten stock, and was therefore rotten itself and within the prohibition of the statute, then the Government would prevail. If you are unable to do that, or, if you believe that on the contrary it was not made from rotten stock, then the claimant would prevail.

Of course, your ability to do that and the Government's case depend upon the accuracy of the Howard method and its correct applicability to the specimens in question and to the tomato pulp in question. Each of these matters

are questions of conflict in testimony—whether the Howard method is a correct one, and whether it was correctly applied to these specimens. That it is a correct method and was properly applied is asserted by the Government and disputed by the claimant.

In the first place, the claimant contends that the specimens analyzed are not fairly representative of the shipment, not in the sense that the cans from which the drops were taken are not fairly representative, because that is conceded; but the Booth Packing Co. claims that the drops taken from the can were not properly taken or not properly prepared to make them representative samples of the shipment or the cans from which they came. That is a matter which the Government disputes. The Government contends that they were properly taken and were properly representative of the cans from which they were taken. You have heard the criticisms with reference to that. The claimant's witnesses, or some of them, criticised the kind of instruments used by Dr. Howard. Then, with reference to the shaking, you have heard the criticism of Dr. Brooks that a severe shaking was likely to give inaccurate results, whereas the Government's witnesses testified that that is the only way you can properly prepare a sample to get accurate results. Those are questions of fact in conflict that you are to determine.

Then the claimant contends that the sample itself, or the number of drops, whatever the evidence shows were analyzed under the microscope, were themselves too small a quantity of the original shipment to be fairly representative of the character of the shipment. The Government, on the other hand, claims that they were fairly representative. That is a question for you to determine under the evidence, with the understanding, of course, that you are to do it in the light of science, so far as it relates to the use of the microscope, and not be swayed by reason of any prejudice that you may have against it. You are to look at the matter in the light of science, as arrived at, at the present time. If you find that the method was properly applied, your next inquiry would be whether the method itself is a correct one in the sense that it gives fairly accurate results, that is, from the mold count you can fairly arrive at the amount of rot in the stock, which, of course, would indicate rot in the product.

Now, the method itself is criticised on the one hand by the claimant, and is asserted to be correct by the Government. You have heard the evidence as to the experiment that has been made to support its accuracy, experiments made by the Department of Agriculture for the purpose of arriving at whether an accurate method could be discovered to show the relation between the mold in the product and the rot in the stock. You have heard the testimony of Dr. Howard with relation to the experiments he made, and these other witnesses for the Government, some of them in the Government department, and some in private business, who testified to the experiments they had made, having seen the stock, and determining the percentage of rot in the stock, then having analyzed the product of tomato pulp after it was made, and having counted the mold field in the product, the percentage of mold fields in the product, and having done that often enough, they contend, to have shown that there was an approximate fixed relation between the number of mold fields in the product and the percentage of rot in the stock. The claimant contends that there is no such relation, and that experiments based on that would be unreliable for that reason; that there is no relation between them which can be determined with any accuracy, between the number of mold fields, as determined by the microscope, in the product, and the percentage of rot as determined by weight or by the eye, or any quantitative way of getting at it, in the stock from which the product was made. In addition to that you have heard discussion pro and con as to the reputation among scientists as to what is called the Howard method, and it is for you to take into consideration that testimony, and make up your minds as to which has the better reason, in your judgment. It is also proper for you to consider the evidence relating to the use of this method by practical canners, as to whether it is general or not, and the weight you will give to the method because of its having been in use by canners as a method of arriving at conditions of the stock from the count of mold fields in the product.

Then the claimant introduces evidence of a chemical analysis as distinguished from a microscopical analysis, and claims that the chemical analysis was in conflict with this Howard method or its application as applied in this case. As against that, the Government contends that the chemical analysis of Dr. Brooks, who was the witness that testified on that subject, was an unre-

liable one, and that not sufficient time was taken in the way provided by the Government in making that kind of experimental analysis; also the Government's contention is that no chemical analysis can with any reliability show the relation between the rot and the original stock, and the amount of mold as shown by the count of mold fields in the product, or that any chemical analysis of tomato pulp can indicate how much rotten stock was used.

On the one hand the claimant's position is that chemical analysis can do that, while the Government contends that owing to the nature of the tomato, no chemical analysis of tomato pulp can show with any certainty whether there was rot in the tomatoes or not from which the pulp was made.

Those, as I recall, are the general contentions on the one side and the other, and the answers of each side to the other's contention. Of course those contentions must be supported by the evidence which has been introduced before the jury, and in arriving at which contention to adopt you must look to the evidence as introduced. You should try this case on the evidence, and not by any prejudices you may have one way or the other about the matter. Your inquiries are restricted to determining which contention is the correct one based on the evidence introduced since this trial began up to the time when both sides rested. That evidence includes the oral testimony of the witnesses, the scientists, the experts, and those who testified to the fact. Also the physical exhibits that have been introduced, the tomatoes themselves, the inspection which you made of them under the microscope, and all the exhibits which have been introduced before you for the purpose of enlightening you as to the correct result. Also the documentary evidence, which includes the scientific pamphlets which have been introduced, upon the idea that men of recognized ability, scientists—that what they write or say about a thing is some evidence, and the jury may look to it as persuasive that what is contained therein is true as a matter of fact.

Then you have a right to look at the evidence as to the conditions in the Booth Packing Co.'s factory. On the one hand you have heard the testimony of Dr. Howard, as he says, on August 20, as to the absence of sorting, method of cleaning, etc. The claimant's contention is that on that day they did not make any tomato pulp, and that therefore it was not required to sort, because that was not the practice when tomatoes were canned as whole tomatoes and no pulp made.

You have also heard the description of the premises by the claimant's witnesses as to the character of the machinery, cleanliness, and sanitary methods adopted, and from that and all the other evidence I have mentioned, you are required to make your minds up on this issue, which is the ultimate issue in the case, whether you are reasonably satisfied from the evidence that these shipments were either filthy or decomposed. If you are reasonably satisfied from the evidence that they were either filthy or decomposed, one or the other, in the sense defined to you, and the sense intended by Congress when it enacted this pure food and drug law, then the Government, as the plaintiff in this case, is entitled to your verdict. If you are not reasonably satisfied from the evidence that they were either filthy or decomposed—that is, if you fail to find that they were filthy and fail to find that they were decomposed, then the claimant is entitled to your verdict. The Government must establish its case by a preponderance of the evidence to your reasonable satisfaction; not beyond a reasonable doubt, because this is a civil case. It simply relates to whether the property, the tomato pulp in question, shall be condemned, and the interest of the claimant divested by your judgment.

The jury thereupon retired and after due deliberation returned into court a verdict in favor of the Government, and thereafter, on July 31, 1918, in accordance with such verdict, a formal decree of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that said claimant company should pay the costs of the proceedings.

C. F. Marvin, *Acting Secretary of Agriculture.*

6412. Adulteration and misbranding of chocolate liquor. U. S. * * * v. Runkel Bros., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 8534. I. S. No. 12004-m.)

On January 24, 1919, the United States attorney for the Southern District of New York acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Runkel Bros., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on June 3, 1916, from the State of New York into the State of Louisiana, of a quantity of an article labeled in part, "Chocolate Liquor," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ether extract (per cent)	50.64
Ash (per cent)	4.32
Water-insoluble ash (per cent)	2.57
Acid-insoluble ash (per cent)	.57
Crude fiber (per cent)	3.54

CONSTANTS OF FAT.

Critical temperature of dissolution:	
Sample	84.0
True cacao butter	94.0
Saponification No	196.1
Iodin No	35.3
Reichert-Meissl No	1.1
Free fatty acids as oleic (per cent)	2.3
Titer test of fatty acids	47.2
Refractive index	1.4572
Neutralization No. of fatty acids	207.4
Iodin No. of fatty acids	33.0

Microscopic examination: More than 5 per cent of shells present.

Fat has darker color than normal cacao butter. Mixed fatty acids have much stronger odor than those of cacao butter.

Analysis shows presence of excessive amount of cacao shells and presence of foreign fat.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, cacao shells and a fat or fats foreign to chocolate, had been mixed and packed with the article so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in whole or in part for chocolate liquor which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Chocolate Liquor," borne on the label attached to the package containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was chocolate liquor; and for the further reason that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it was chocolate liquor, whereas, in truth and in fact, it was not chocolate liquor, but was a mixture composed in part of added cacao shells, and a fat or fats foreign to chocolate liquor; and for the further reason that it was a mixture composed in part of added cacao shells and a fat or fats foreign to chocolate liquor, prepared in imitation of chocolate liquor, and was sold under the distinctive name of another article, to wit, chocolate liquor.

On February 5, 1919, the defendent company entered a plea of guilty to the information, and the court imposed a fine of $50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6413. Adulteration and misbranding of peach brandy. U. S. * * * v. The Old 76 Distilling Co., a corporation. Plea of guilty. Fine, $300 and costs. (F. & D. No. 8536. I. S. No. 12172–m.)

On December 11, 1917, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Old 76 Distilling Co., a corporation, doing business at Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 21, 1917, from the State of Ohio into the State of Texas, of a quantity of an article labeled in part, "Peach Brandy," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results, expressed in grams per 100 liters, 100 proof, except where otherwise indicated:

Alcohol (per cent by volume)	49.8
Acids, total, as acetic	9.6
Esters as acetic	15.8
Aldehydes as acetic	32
Fusel oil	16.7

Caramel: None detected.

The product is a mixture of brandy and neutral spirits.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, neutral spirits, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and had been substituted in part for peach brandy, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Peach Brandy," borne on the keg containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was peach brandy; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was peach brandy, whereas, in truth and in fact, it was not, but was a mixture composed in part of neutral spirits.

On June 28, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $300 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

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6414. Adulteration of powdered milk. U. S. * * * v. 2 Barrels, 2 Barrels, and 6 Barrels * * * of Powdered Milk. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 8544. I. S. No. 8234–p. S. No. C–750.)

On November 2, 1917, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 2 barrels, 2 barrels, and 6 barrels of powdered milk, at Chicago, Ill., alleging that two of the barrels had been shipped by H. Etoch, Helena, Ark., on August 2, 1917, that the other 2 barrels had been shipped by the Furnace Ice Cream Co., Terre Haute, Ind., on August 13, 1917, and that the 6 barrels had been shipped by the Woodhull Ice Cream Co., Hammond, Ind., on September 7, 1917, and transported from the States of Arkansas and Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article in each shipment was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On May 29, 1919 and June 4, 1918, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product in each case should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6415. Adulteration of milk. U. S. * * * v. Kattie E. Samson. Plea of guilty. Fine, $10. (F. & D. No. 8550. I. S. No 904–m.)

On January 22, 1918, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Kattie E. Samson, Lancaster, N. H., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 13, 1916, from the State of New Hampshire into the State of Massachusetts, of a quantity of milk which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Fat.	Solids.	Solids not fat.
Per cent.	*Per cent.*	*Per cent.*
3.00	11.59	8.59
2.90	11.94	9.04

Product is deficient in fat, indicating skimming.

Adulteration of the article was alleged in the information for the reason that a valuable constituent of the article, to wit, butter fat, had been wholly or in part abstracted.

On May 1, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

C. F. Marvin, *Acting Secretary of Agriculture.*

6416. Adulteration of pipsissewa. U. S. * * * v. A. Robinson McIlvaine, Herbert R. McIlvaine, and Donald McIlvaine (McIlvaine Bros.). Pleas of guilty. Fine, $25. (F. & D. No. 8556. I. S. No. 5420-m.)

On January 15, 1918, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against A. Robinson McIlvaine, Herbert R. McIlvaine, and Donald McIlvaine, doing business as McIlvane Bros., Philadelphia, Pa., alleging shipment by said defendants, in violation of the Food and Drugs act, on or about June 12, 1917, from the State of Pennsylvania into the State of New Jersey, of a quantity of an article labeled in part, "Pipsissewa," which was adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the following results:

	Pounds.	Ounces.
Leaves	2	11.1
Stems	2	9.1
Total	5	4.2
Stems (per cent)		48.8

Sample is not the pipsissewa (Chimaphila) of the National Formulary, IV Edition, which specifies the leaves accompanied by not more than 5 per cent of stems.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the National Formulary, and differed from the standard [of] strength, quality, and purity, as determined by the tests laid down by the said National Formulary, official at the time of investigation of the article, in that it contained approximately 48 per cent of stems, whereas the National Formulary, official at the time of investigation of the article, provided that pipsissewa should contain not more than 5 per cent of stems or other foreign matter.

On January 29, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

6417. Adulteration of tomato pulp. U. S. * * * v. 550 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8572. I. S. No. 1653–p. S. No. E–907.)

On November 5, 1917, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 550 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages, at Brooklyn, N. Y., alleging that the article had been shipped on or about October 9, 1917, by W. H. Roberts & Co., Baltimore, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Seaside Brand Tomato Pulp * * * Packed by W. H. Roberts & Co., Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On March 8, 1918, the said W. H. Roberts & Co., claimant, having consented to the forfeiture of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6418. Adulteration and misbranding of tomatoes. U. S. * * * v. 500 Cases of Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8577. I. S. No. 3159-p. S. No. E-912.)

On November 6, 1917, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 cases of tomatoes at Utica, N. Y., alleging that the article had been shipped on October 5, 1917, by the Schall Packing Co., Baltimore, Md., and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Royal Club Brand Red Ripe Tomatoes."

Adulteration of the article was alleged in the libel for the reason that added water had been mixed and packed therewith, so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding of the article was alleged in substance for the reason that each of the cans was labeled, "Red Ripe Tomatoes," by which words it was intended to convey that the contents of the cans consisted exclusively of red, ripe tomatoes, whereas the product contained in said cans had mixed with it, and added to the natural tomato, 10 per cent of water, whereby the said contents was not red, ripe tomatoes, and thus the article was misbranded, and the branding upon each can was false and misleading, and deceived and misled the purchaser.

On February 7, 1918, the said Schall Packing Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6419. Adulteration of citrate of magnesia and adulteration and misbranding of chloroform liniment. U. S. * * * v. Eugene R. Nichols (Nichols' Pharmacy). Plea of nolo contendere. Fine, $40. (F. & D. No. 8579. I. S. Nos. 3892-m, 4572-m, 4928-m.)

On March 7, 1918, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of said District an information against Eugene R. Nichols, trading as Nichols' Pharmacy, Washington, D. C., alleging that said defendant, on February 9, 1917, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of an article labeled in part, "Citrate of Magnesia," which was adulterated, and a quantity of an article labeled in part, "Chloroform Liniment," which was adulterated and misbranded, and on May 31, 1917, a quantity of an article labeled in part, "Chloroform Liniment," which was adulterated and misbranded. Each sample was also labeled "Nichols' Pharmacy, 1901 Pennsylvania Avenue, NW., Washington, D. C."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

CITRATE OF MAGNESIA.

Magnesium oxid (grams per 100 mils)	1.07
Total citric acid (grams per 100 mils)	5.34

CHLOROFORM LINIMENT.

	Sale of Feb. 9.	Sale of May 31.
Chloroform (mils per liter)	89	83
(minims per fluid ounce)	42	40
Camphor (grams per liter)	38.2	41.0
Alcohol (per cent by volume)	57.3	57.5

Adulteration of the citrate of magnesia was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation of the article, in that it contained in 100 mils of the solution, magnesium citrate corresponding to 1.07 grams of magnesium oxid, whereas said Pharmacopœia provides that 100 mils of the solution shall contain magnesium citrate corresponding to not less than 1.5 grams of magnesium oxid; and in that it contained in 100 mils of the solution 5.34 grams of citric acid, whereas said Pharmacopœia provides that the article should contain 33 grams of citric acid in 350 mils of the solution, equivalent to 9.43 grams of citric acid per 100 mils of the solution; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Adulteration of the chloroform liniment was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of the investigation of the article, in that in 1,000 mils of the article there were 89 mils of chloroform, or 83 mils of chloroform, whereas said Pharmacopœia provides that in 1,000 mils of the article there shall be 300 mils of chloroform; and in that in 1,000 mils of the article there were 38.2 grams of camphor, or 41 grams of camphor, whereas said Pharmacopœia provides that in 1,000 mils of the article there shall be 700 mils of soap liniment, and that

in 700 mils of soap liniment there shall be 31.5 grams of camphor; and in that the article contained 57.3 per cent of absolute alcohol by volume, or 57.5 per cent of absolute alcohol by volume, whereas said Pharmacopœia provides that chloroform liniment shall contain 47 per cent of absolute alcohol by volume; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that the statement, to wit, "Contains 144 minims chloroform to ounce and 48% alcohol," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that each fluid ounce of the article contained 144 minims of chloroform and contained 48 per cent of alcohol, whereas, in truth and in fact, it did not, but contained a less amount, to wit, 42 minims of chloroform, or 40 minims of chloroform, in each fluid ounce and contained a greater amount than 48 per cent of alcohol, to wit, 57.3 per cent of alcohol, or 57.5 per cent of alcohol, as the case might be; and for the further reason that it contained chloroform and alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

On March 7, 1918, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $40.

C. F. Marvin, *Acting Secretary of Agriculture.*

6420. Adulteration of catsup. U. S. * * * v. 300 Cases of Catsup. Default decree of condemnation, forfeiture, and destruction or sale. (F. & D. No. 8588. I. S. No. 1211-p. S. No. E-920.)

On November 15, 1917, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 cases, each containing 36 bottles of catsup, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped on or about September 6, 1917, by the Monmouth Seed Co., Matawan, N. J., and transported from the State of New Jersey into the State of Connecticut, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Bonny Best Tomato Catsup * * * Monmouth Seed Co., Matawan, N. J."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On January 30, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed or sold by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

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6121. Adulteration of gelatin. U. S. * * * v. 2 Barrels of Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8589. I. S. No. 8522–p. S. No. C–759.)

On November 17, 1917, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels of gelatin, remaining in the original unbroken packages at Dallas, Tex., alleging that the article had been shipped on or about April 20, 1917, by W. K. Jahn Co., Chicago, Ill., and transported from the State of Illinois into the State of Texas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it contained added poisonous and deleterious ingredients, to wit, copper and zinc, and by reason thereof was injurious to health.

On January 23, 1918, the case having come on to be heard and the said W. K. Jahn Co., claimant, having filed a request for the delivery of the goods to it, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and execution of a bond in the sum of $1,000, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6422. Misbranding of Schade's Specific and Female Regulator. U. S. * * * v. Erna D. Schade (Herman Schade). Plea of guilty. Fine, $100 and costs. (F. & D. No. 8595. I. S. No. 11271-m.)

On January 10, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Erna D. Schade, trading and doing business as Herman Schade, Chicago, Ill., alleging shipment on or about January 6, 1917, by said defendant, in violation of the Food and Drugs Act, as amended, from the State of Illinois into the State of Wisconsin, of a quantity of an article labeled in part, "Schade's Specific and Female Regulator," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the preparation was a hydroalcoholic solution containing chiefly sugar, aromatics, essential oils, licorice, bitter plant extractives, and 12.84 per cent of alcohol by volume.

Misbranding of the article was alleged in the information for the reason that the statement, "Alcohol 45%," appearing on the label, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 45 per cent of alcohol, whereas, in truth and in fact, it did not, but contained a less amount, to wit, 12.84 per cent of alcohol. It was alleged in substance that the article was misbranded for the further reason that certain statements appearing on the carton falsely and fraudulently represented it as a remedy for retarded, suppressed, irregular, painful, and imperfect menstruation, as a treatment in cases of miscarriage, as a remedy for leucorrhea and other unnatural discharges, for frequent urination, suppression of water, soreness in the lower part of the abdomen, bloating, spinal tenderness, palpitation of the heart, backache, ulceration of the womb, weakness of the knees, headache, pain in back of neck, swelling of feet, and sore breasts, whereas, in truth and in fact, it was not. Misbranding was alleged in substance for the further reason that certain statements, included in the circular accompanying the article, falsely and fraudulently represented it to be effective as a perfectly safe remedial agent, as a regulator of the monthly courses and promoter of functional action at the critical period of change from girlhood to womanhood, as a treatment for those disorders and derangements incident to change of life, as a remedy for pain at monthly periods, fainting spells, and hysteria, suppression and retention of the monthly flow, flooding, inflammation of the womb, and falling of the womb, whereas, in truth and in fact, it was not.

On June 10, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6423. Adulteration and misbranding of tincture of iodin and spirits of camphor. U. S. * * * v. Wm. H. Hartshorn (E. Hartshorn & Sons). Plea of nolo contendere. Fine, $50. (F. & D. No. 8597. I. S. Nos. 1386–p, 1387–p.)

On January 29, 1919, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wm. H. Hartshorn, trading as E. Hartshorn & Sons, Boston, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 9, 1918, from the State of Massachusetts into the State of New Hampshire, of quantities of articles labeled in part, "Tincture Iodine U. S. P. Contains alcohol 92 per cent. E. Hartshorn & Sons, Boston, Mass.," and "Spirits Camphor contains alcohol 66 per cent, * * * E. Hartshorn & Sons, Boston," which were adulterated and misbranded.

Examination of samples of the articles by the Bureau of Chemistry of this department showed the following results:

THE TINCTURE OF IODIN.

Iodin (grams per 100 mils)	5.66
Potassium iodid (grams per 100 mils)	3.62
Alcohol (per cent by volume)	89.25

Product contains less iodin and potassium iodid than is present in Pharmacopœia product, and alcohol is not present in proportion declared.

THE SPIRITS OF CAMPHOR.

Test for added water: Positive.

Camphor (grains per fluid ounce)	53.3
Alcohol (per cent by volume)	55.18

Less alcohol is present than declared on the label; product also contains added water.

Adulteration of the tincture of iodin was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as prescribed by that authority in that in 100 mils of the article there were 5.66 grams of iodin and 3.62 grams of potassium iodid, whereas said Pharmacopœia provides that in 100 mils of the article there shall be 7 grams of iodin and 5 grams of potassium iodid, and the standard of strength, quality, and purity of the article was not declared on the container thereof; and for the further reason that its strength and purity fell below the professed standard and quality under which it was sold in that it was sold as "Tincture Iodine U. S. P. Contains Alcohol 92 per cent," whereas, in truth and in fact, it was not tincture iodin U. S. P. which contained 92 per cent alcohol, but was a product which did not conform to the test laid down in said Pharmacopœia for tincture iodin, and which contained 89.25 per cent of alcohol.

Misbranding of the article was alleged for the reason that the statement, to wit, "Tincture Iodine, U. S. P. Contains Alcohol 92 per cent," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was tincture iodin which conformed with the tests laid down in the United States Pharmacopœia and which contained 92 per cent of alcohol, whereas, in truth and in fact, the article was not

tincture iodin which conformed to the tests laid down in said Pharmacopœia, and said article did not contain 92 per cent of alcohol, but was a product which did not conform to the tests laid down in the said Pharmacopœia, and said article contained less than 92 per cent of alcohol, to wit, 89.25 per cent of alcohol; and for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity and proportion of alcohol contained therein.

Adulteration of the spirits of camphor was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as prescribed by that authority in that the article contained 55.18 per cent of alcohol by volume, whereas said Pharmacopœia provides that the article shall contain approximately 85 per cent alcohol by volume, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that the statement, to wit, "Spirits Camphor Contains Alcohol 66 per cent," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 66 per cent of alcohol, whereas, in truth and in fact, it did not contain 66 per cent of alcohol, but contained a less amount, to wit, 55.18 per cent; and for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity and proportion of alcohol contained therein.

February 10, 1919, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

6424. Adulteration of elixir of iron, quinine, and strychnine. U. S. * * * v. Thomas Armstrong (Chevy Chase Pharmacy). Plea of nolo contendere. Fine, $20. (F. & D. No. 8599. I. S. No. 4223-m.)

On April 22, 1918, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid, an information against Thomas Armstrong, trading as the Chevy Chase Pharmacy, Washington, D. C., alleging that said defendant on June 18, 1917, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell a quantity of an article labeled in part, "Elixir of Iron, Quinine, and Strychnine. The Chevy Chase Pharmacy, Thomas Armstrong, Prop., 5610 Connecticut Avenue, NW., Washington, D. C.," which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained total alkaloid equivalent to 4.77 grams quinine hydrochlorid per 1000 mils.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the National Formulary, to wit, elixir of iron, quinine, and strychnine, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said National Formulary, official at the time of investigation of the article, in that it contained in 1,000 mils, total alkaloid equivalent to 4.77 grams of quinine hydrochlorid, whereas the said National Formulary provides that it shall contain in 1,000 mils 8.750 grams of quinine hydrochlorid, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On April 22, 1918, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $20.

C. F. Marvin, *Acting Secretary of Agriculture.*

6425. Adulteration and misbranding of brandy for Passover (grape), Wishniak (cherry cordial), and Slivowitz (prune brandy). U. S. * * * v. Solomon E. Rosenthal and Herman L. Rosenthal (Sam Rosenthal & Co.). Pleas of guilty. Fine, $50. (F. & D. No. 8600. I. S. Nos. 4951–m, 4952–m, 4953–m.)

On January 16, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Solomon E. Rosenthal and Herman L. Rosenthal, copartners, trading as Sam Rosenthal & Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on March 19, 1917 (three shipments), from the State of New York into the State of New Jersey, of quantities of articles labeled in part, "Brandy * * * Grapes," "Wishniak," and "Slivowitz," which were adulterated and misbranded. There was blown in the glass "24 oz.," "30 oz.," and "30 oz.," respectively.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results, expressed as parts per 100,000, 100 proof, unless otherwise specified:

THE GRAPE BRANDY.

Contents: 1 pint, 7.7 fluid ounces.

Proof at 60.0° F	92.7
Acids, total, as acetic	12.9
Esters, total, as ethyl acetate	24.7
Fusel oil as amyl alcohol	20.9

Flavor is not characteristic of a true brandy.

This is a liquor composed in part of distilled spirits.

THE WISHNIAK.

Contents: 1 pint, 13.6 fluid ounces.

Total solids (per cent)	32.50
Ash (per cent)	.082
Malic acid: None.	
Tartaric acid: None.	
Benzaldehyde (per cent)	.024
Sucrose by reduction (per cent)	22.23
Sucrose by Clerget (per cent)	22.13
Reducing sugars as invert (per cent)	8.58
Nonsugar solids (per cent)	1.69
Alcohol (per cent by volume)	32.14

Odor of steam distillate: Benzaldehyde.

Colored with orchil.

This is a cordial flavored to imitate cherry.

THE SLIVOWITZ.

Contents: 1 pint, 14.1 fluid ounces.

Proof at 60.0° F	92.7
Acids, total, as acetic	12.9
Esters, total, as ethyl acetate	17.1
Fusel oil, as amyl alcohol	32.3

Flavor: Not characteristic of true Slivowitz or prune brandy.

This is a liquor composed in part of distilled spirits.

Adulteration of the article labeled in part, "Brandy * * * Grapes," was alleged in the information for the reason that a substance, to wit, neutral spirits, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality, and had been substituted in whole or in part for grape brandy, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Brandy * * * Grapes," borne on the labels attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was grape brandy; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was grape brandy; whereas, in truth and in fact, it was not; but was a product composed in part of neutral spirits. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Adulteration of the Wishniak was alleged for the reason that an imitation cherry cordial had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality, and had been substituted wholly or in part for cherry cordial (Wishniak), which the article purported to be; and for the further reason that it was an imitation cherry cordial, a product inferior to genuine cherry cordial, and was colored with a certain dye, to wit, orchil, so as to assimulate [simulate] the appearance of genuine cherry cordial, and in a manner whereby its inferiority to genuine cherry cordial was concealed.

Misbranding of the article was alleged for the reason that the statement, to wit, "Wishniak," together with the pictorial device of a bunch of cherries, borne on the labels attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was, to wit, cherry cordial; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was, to wit, cherry cordial, whereas, in truth and fact, it was not cherry cordial, but was a product composed in whole or in part of neutral spirits artifically colored. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Adulteration of the Slivowitz was alleged for the reason that a substance, to wit, neutral spirits, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality, and had been substituted in whole or in part for grape [prune] brandy, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Brandy * * * Slivowitz," together with the pictorial device of prunes, borne on the labels attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was, to wit, prune brandy; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was, to wit, prune brandy, whereas, in truth and in fact, it was not, but was a product composed in whole or in part of neutral spirits. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 22, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50.

6426. Adulteration of tomato sauce. U. S. * * * v. 20 Cases of Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8603. I. S. No. 2145–p. S. No. E–922.)

On November 22, 1917, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 cases of tomato sauce, remaining unsold in the original unbroken packages at Providence, R. I., alleging that the article had been shipped on or about October 24, 1917, by Thomas Page, Albion, N. Y., and transported from the State of New York into the State of Rhode Island, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Tripoli Brand Tomato Sauce * * * Packed by Thomas Page, Albion, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On February 27, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6427. Misbranding of cottonseed meal. U. S. * * * v. Margaret R. Ready and Richard T. Doughtie (New South Oil Mill). Plea of guilty. Fine, $50 and costs. (F. & D. No. 8604. I. S. No. 20681-m.)

On January 22, 1918, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Margaret R. Ready and Richard T. Doughtie, trading and doing business as the New South Oil Mill, Helena, Ark., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 30, 1916, from the State of Arkansas into the State of Ohio, of a quantity of an article labeled in part, "Beauty Brand C/S Meal," which was misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed 32.6 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, "Protein 36 per cent," borne on the label, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 36 per cent of protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 36 per cent of protein, whereas, in truth and in fact, it did not, but contained a less amount, to wit, approximately, 32.6 per cent of protein.

On March 12, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6428. Misbranding of Anti-Choleric Hog Remedy. U. S. * * * v. 30 Cases * * * of * * * Anti-Choleric Hog Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8618. I. S. No. 11813–p. S. No. C–764.)

On November 28, 1917, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 cases, each containing 2 dozen packages of Anti-Choleric Hog Remedy, at Des Moines, Iowa, alleging that the article had been shipped on or about September 21, 1917, and September 27, 1917, by the Anti-Choleric Stock Remedy Corporation, Norfolk, Va., and transported from the State of Virginia into the State of Iowa, and charging misbranding, in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Anti-Choleric Hog Remedy. Prevents Hog Cholera. G. & W. Anti-Choleric. Anti-Choleric Stock Remedy Corp., Norfolk, Virginia. Price $1. Anti-Choleric Hog Remedy prevents hog cholera, rids all hogs of stomach and free intestinal worms, purifies the blood, relieves all irritation and inflammation, rids them of mange, increases the cohabitating power."

Misbranding of the article was alleged in substance in the libel for the reason that the branding of the packages as above set out was false and fraudulent in that the product contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it on the label as above set out.

On January 9, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6429. Adulteration of tomato pulp. U. S. * * * v. 47 Barrels * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8619. I. S. No. 9387–p. S. No. C–763.)

On November 28, 1917, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 47 barrels of tomato pulp, consigned on or about September 28, 1917, remaining unsold in the original unbroken packages at Collinsville, Ill., alleging that the article had been shipped and transported from the State of Ohio into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or largely of a decomposed vegetable substance.

On October 18, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed and that the empty containers should be sold at a private sale by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6430. Adulteration of tomato pulp. U. S. * * * v. 50 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8620. I. S. No. 1041–p. S. No. E–931.)

On November 28, 1917, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 48 cans of tomato pulp, at Newark, N. J., alleging that the article had been shipped on or about October 17, 1917, by S. M. Robinson & Co., Baltimore, Md., and transported from the State of Maryland into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Big T Brand Tomato Pulp."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On March 11, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6431. Adulteration of powdered milk. U. S. * * * v. 5 Barrels * * * of Powdered Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8621. I. S. No. 8840–p. S. No. C–760.)

On November 28, 1917, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels of powdered milk at Chicago, Ill., alleging that the article had been shipped on November 8, 1917, by T. M. Turner, Orleans, Ind., and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On May 29, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6432. Adulteration and misbranding of oil of sassafras. U. S. * * * v. 50 Pounds of Alleged Oil of Sassafras. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8625. I. S. No. 13321–p. S. No. C–765.)

On November 28, 1917, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 pounds of alleged oil of sassafras, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about November 13, 1917, by J. B. Johnson, Hickory, N. C., and transported from the State of North Carolina into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, synthetic oil, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oil of sassafras.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oil of sassafras.

On June 29, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6433. Adulteration of tomatoes. U. S. * * * v. 1,000 Cases * * * of Canned Tomatoes. Decree of condemnation and forfeiture. Goods ordered destroyed. (F. & D. No. 8634. I. S. No. 2358-p. S. No. E-936.)

On December 3, 1917, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases of canned tomatoes, consigned by Oliver W. Hubbard, East New Market, Md., alleging that the article had been shipped on or about October 23, 1917, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Cloverdale Brand Tomatoes * * * Grown and Packed on Cloverdale Farms, near East New Market, Md., By Oliver W. Hubbard."

Adulteration of the article was alleged in the libel for the reason that added water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for canned tomatoes, which the article purported to be.

On April 17, 1918, the said O. W. Hubbard having appeared as claimant for the property, and the case having come on for final disposition, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed, with the proviso that upon payment of the costs of the proceedings and the execution of a good and sufficient bond in the sum of $1,500, the product should be released to said claimant. On June 6, 1918, said claimant having failed to comply with the said provisions of the decree, the property was destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6434. Adulteration of tomato puree. U. S. * * * v. 88 Cases * * * of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. F. & D. No. 8639. I. S. No. 1045–p. S. No. E–943.)

On December 6, 1917, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 88 cases, each containing 6 cans of tomato puree labeled in part, "Tomato Puree * * * Packed by Keough Canning Co., Franklinville, N. J.," remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped on or about October 13, 1917, by the Keough Canning Co., Franklinville, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On March 13, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6435. Adulteration of tomato puree. U. S. * * * v. 874 Cases * * * of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8646. I. S. No. 11718–p. S. No. C–776.)

On December 13, 1917, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 874 cases, each containing 48 cans of tomato puree, alleging that the article has been shipped on October 1, 1917, by the Morris Canning Co., Vincentown, N. J., and transported from the State of New Jersey into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a decomposed animal substance.

On May 15, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6436. Adulteration of oats. U. S. * * * v. 500 Sacks of Sulphured Oats. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 8647. I. S. No. 9391–p. S. No. C–777.)

On December 18, 1917, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 cases of sulphured oats, remaining unsold in the original unbroken packages at Natchez, Miss., alleging that the article had been shipped on or about November 27, 1917, by Samuel Hastings Co., Cairo, Ill., and transported from the State of Illinois into the State of Mississippi, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Samuel Hastings, Cairo, Ill., Uncle Sam Fancy White Oats."

Adulteration of the article was alleged in the libel for the reason that water had been added thereto and mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for sulphured oats, which the article purported to be.

On January 26, 1918, Rumble & Wensel Co., Natchez., Miss., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the oats should not be sold or disposed of before the same are properly labeled and branded so as to show the correct amount of moisture contained therein.

C. F. Marvin, *Acting Secretary of Agriculture.*

6437. Adulteration of oats. U. S. * * * v. 400 Sacks of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8648. I. S. No. 9392-p. S. No. C-777.)

On December 15, 1917, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 sacks of oats, at Rosedale, Miss., consigned on or about November 27, 1917, alleging that the article had been shipped by the Samuel Hastings Co., Cairo, Ill., and transported from the State of Illinois into the State of Mississippi, and charging adulteration, in violation of the Food and Drugs Act. The article was labeled in part, "Samuel Hastings, Cairo, Ill., Uncle Sam Fancy White Oats."

Adulteration of the article was alleged in the libel for the reason that added water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and had been substituted in part for oats, which the article purported to be.

On April 13, 1918, the said Samuel Hastings Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $300, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6438. Adulteration of Uncle Sam fancy white oats. U. S. * * * v. 300 Sacks * * * Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8649. I. S. No. 9393–p. S. No. C–777.)

On December 15, 1917, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 sacks of Uncle Sam fancy white oats, consigned on or about November 27, 1917, by Samuel Hastings Co., Cairo, Ill., remaining unsold in the original unbroken packages at Center, Tex., alleging that the article had been shipped and transported from the State of Illinois into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Samuel Hastings, Cairo, Ill., Uncle Sam Fancy White Oats."

Adulteration of the article was alleged in the libel for the reason that added water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and had been substituted in part for Uncle Sam fancy white oats, which the article purported to be.

On March 19, 1918, the said Samuel Hastings Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

6439. Adulteration of salmon. U. S. * * * v. John P. Connelly. Plea of guilty. Fine, $50. (F. & D. No. 8662. I. S. No. 21351-m.)

On February 18, 1918, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John P. Connelly, Seattle, Wash., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about February 13, 1917, from the State of Washington into the State of Oregon, of a quantity of an article labeled in part, "Choice Pink Salmon," which was adulterated.

Analysis of samples of the article by the Bureau of Chemistry of this department showed the product to be putrid, decomposed, soft, and very inferior in quality. None of the cans examined were in condition for human consumption.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 6, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

6440. Adulteration of horse feed. U. S. * * * v. 500 Sacks of Ambrosia Horse Feed. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 386–c.)

On May 30, 1918, the United States attorney for the Eastern District of North Carolina, acting upon a report by the food inspector of the State Department of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 sacks of Ambrosia horse feed at Raleigh, N. C., shipped on or about April 27, 1918, alleging that the article had been delivered for shipment by the Alfocorn Milling Co., East St. Louis, Mo., and transported from the State of Missouri into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 1, 1919, it having been found that the product decayed after shipment had started, but that such decay constituted an adulteration within the meaning of the act, it was held that no culpability attached to the shipper, and the said Alfocorn Milling Co., claimant, having filed a bond in conformity with section 10 of the act, it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings.

C. F. Marvin, *Acting Secretary of Agriculture.*

6441. Adulteration and misbranding of dairy feed. U. S. * * * v. 40 Sacks of Wade's 24 Per Cent Protein Dairy Feed. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 389–c.)

On June 24, 1918, the United States attorney for the Western District of North Carolina, acting upon a report by the State food inspector of the State of North Carolina, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 sacks, each sack containing 100 pounds of Wade's 24 per cent protein dairy food, remaining unsold in the original unbroken packages at Hickory, N. C., alleging that the article had been shipped on or about April 15, 1918, by John Wade & Sons, Memphis, Tenn., and transported from the State of Tennessee into the State of North Carolina, charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it contained fibrous substances and indigestible matter treated in such manner as to conceal inferiority.

It was alleged in substance that the article was misbranded by being labeled on the tags, "Protein 24.0, Fat 14.0, Fiber (not over) 5.0, Carbohydrates 50.0," the said sacks containing a much less quantity of protein and a larger quantity of fiber than as stated on the label; and for the further reason that they contained large quantities of indigestible fibrous matter and other indigestible substances, and whereas, in fact, they were not so labeled but as Wade's 24 per cent protein dairy feed, and whereas, in fact, there was a much smaller quantity of protein than 24 per cent therein.

On January 9, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

6442. Adulteration of pork and beans. U. S. * * * v. 500 Cases of Pork and Beans. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 7292. I. S. No. 10138–l. S. No. C–466.)

On April 10, 1916, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 cases, each containing 2 dozen cans of pork and beans, consigned on February 28, 1916, remaining unsold in the original unbroken packages, at Springfield, Ill., alleging that the article had been shipped by the Oceana Canning Co., Shelby, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it contained and showed the presence of from 12 to 15 per cent partly decomposed beans.

On February 15, 1919, the said Oceana Canning Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6443. Misbranding of cottonseed meal. U. S. * * * v. Southern Cotton Oil Co., a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 8367. I. S. No. 9203–l.)

On September 17, 1917, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southern Cotton Oil Co., a corporation doing business at Little Rock, Ark., alleging shipment by said company, under the name of the Humphreys-Godwin Co., on or about March 27, 1916, from the State of Arkansas into the State of Massachusetts, of a quantity of an article labeled in part, "Dixie Brand Cottonseed Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Fiber (per cent)	14.8
Protein (N x 6.25) (per cent)	36.6

Misbranding of the article was alleged for the reason that the statement, to wit, "Guaranteed Analysis. * * * Protein 38.62 to 43% * * * Crude Fiber 8 to 12%," borne on the tags attached to the sacks regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 38.62 per cent of protein and contained not more than 12 per cent of crude fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 38.62 per cent of protein and contained not more that 12 per cent of crude fiber, whereas, in truth and in fact, it contained less than 38.62 per cent of protein and more than 12 per cent of crude fiber, to wit, protein approximately 36.6 per cent and crude fiber approximately 14.8 per cent.

On January 8, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6444. Adulteration and misbranding of banana brandy, liqueur banana type, and Abstina liqueur. U. S. * * * v. Victor Gautier & Co., a corporation. Plea of guilty. Fine, $150. (F. & D. No. 8498. I. S. Nos. 6284–m, 6287–m, 12073–m.)

On January 24, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Victor Gautier & Co., a corporation, New York, N. Y., alleging the sale and delivery by said company, on or about November 25, 1916, in violation of the Food and Drugs Act, under a guaranty that the article was not adulterated or misbranded within the meaning of the said act, of quantities of banana brandy and liqueur banana type, which were misbranded articles within the meaning of the said act, and which said articles in the identical condition in which they were received were shipped by the purchaser thereof on or about November 28, 1916, and December 29, 1916, from the State of New York into the State of Maryland, in further violation of the said act. The information further alleged the shipment by said company on April 17, 1916, in violation of the Food and Drugs Act, from the State of New York into the State of Louisiana, of a quantity of Abstina liqueur which was adulterated.

Analysis of samples of the articles by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 liters, 100 proof, unless otherwise indicated:

BANANA BRANDY.

Alcohol (per cent by volume)	18.95
Solids (grams per 100 cc)	26.27
Acids as acetic	25.2
Esters as acetic	18.4
Aldehydes as acetic	1.5
Fusel oil	23.2
Furfural	None.

Colored with Naphthol Yellow S, S. & J. No. 4, and a bit of Orange I, S. & J. No. 85.

Decided flavor of amyl acetate.

Product is composed of dilute alcohol and sugar artificially colored and flavored.

LIQUEUR BANANA TYPE.

Alcohol (per cent by volume)	13.50
Solids (grams per 100 cc)	25.41
Acids as acetic	22.3
Esters as acetic	19.6
Aldehydes as acetic	2.0
Fusel oil	26.1
Furfural	None.

Colored with Naphthol Yellow S, S. & J. No. 4, and a trace of Orange I, S. & J. No. 85.

Decided flavor of amyl acetate.

Product is composed of diluted alcohol and sugar artificially flavored and colored.

ABSTINA LIQUEUR.

Thujone: Approximately 0.2 grams per liter, indicating the presence of a thujone bearing oil such as tansy oil.

Adulteration of the banana brandy was alleged in the information for the reason that an imitation banana cordial artificially colored had been substituted in whole or in part for banana brandy, which the article purported to be; and for the further reason that it was a product inferior to banana brandy prepared in imitation of banana brandy, and had been artificially colored so as to simulate the appearance of banana brandy, and in a manner whereby its inferiority to banana brandy was concealed.

Misbranding of the article was alleged for the reason that the statement, to wit, "Banana Brandy," borne on the labels attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was banana brandy; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was banana brandy, whereas, in truth and in fact, it was not, but was an imitation banana cordial artificially colored; and for the further reason that it was sold under the distinctive name of another article, to wit, banana brandy, whereas, in truth and in fact, it was not, but was an imitation banana cordial artificially colored.

Adulteration of liqueur banana type was alleged for the reason that an imitation banana cordial had been substituted in whole or in part for liqueur banana type, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Liqueur Banana Type," borne on the barrel containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was liqueur banana type; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was liqueur banana type, whereas, in truth and in fact, it was not, but was an imitation banana cordial artificially colored.

Adulteration of the Abstina liqueur was alleged for the reason that it contained an added poisonous or deleterious ingredient, to wit, thujone, which might render the article injurious to health.

On February 11, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $150.

C. F. Marvin, *Acting Secretary of Agriculture.*

6445. Adulteration of catsup. U. S. * * * v. 200 Cases * * * of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8635. I. S. No. 9231–p. S. No. C–768.)

On December 13, 1917, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases, each containing 2 dozen packages of catsup, alleging that the article had been shipped on or about October 20, 1917, by the Provident Trust Co., Columbia City, Ind., and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On May 29, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

6446. Misbranding of Mrs. Joe Person's Remedy. U. S. * * * v. 60 Cases of Mrs. Joe Person's Remedy. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8663. I. S. No. 3469-p. S. No. E-947.)

On December 12, 1917, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 cases of Mrs. Joe Person's Remedy, remaining unsold in the original unbroken packages at Richmond, Va., alleging that the article had been shipped on or about November 9, 1917, by the Person Remedy Co., Charlotte, N. C., and transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel for the reason that the statements borne on the labels of the packages, to wit, "A General Tonic, Alterative, and a Purifier of the Blood. For Erysipelas, Muscular Rheumatism, Tetter, Eruptions and Diseases that come from Impurities of the Blood, also Indigestion and Stomach Troubles," and numerous other statements, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed on the labels.

On May 28, 1918, the said Person Remedy Co., a corporation, claimant, having requested that the product be delivered to it, and it appearing to the court from the allegations of the libel that the article was misbranded within the meaning of the Food and Drugs Act, it was ordered by the court that the product should be released to said claimant company upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, said bond conditioned in part that the claimant company would correctly brand and label the product.

C. F. Marvin, *Acting Secretary of Agriculture.*

6447. Adulteration of milk. U. S. * * * v. Jacob Reis. Plea of guilty. Fine, $25 and costs. (F. & D. No. 8666. I. S. No. 9508–m.)

On February 6, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob Reis, Franklin, Conn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about April 17, 1917, from the State of Connecticut into the State of Rhode Island, of a quantity of milk which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Fat, by Babcock (per cent)	2.50
Total solids, by drying (per cent)	10.09
Specific gravity (60° F.)	1.0277
Total solids, calculated (per cent)	9.92
Solids, by drying minus fat (per cent)	7.59
Solids, by calculation minus fat (per cent)	7.42

The milk contains added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for milk, which the article purported to be.

On February 26, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6448. Misbranding of cottonseed meal. U. S. * * * v. Dixie Cotton Oil Mill, a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 8668. I. S. No. 19650–m.)

On March 25, 1918, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dixie Cotton Oil Mill, a corporation, Little Rock, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 4, 1916, from the State of Arkansas into the State of Illinois, of a quantity of an article labeled in part, "Kineda Prime Cottonseed Meal," which was misbranded.

Analysis of a sample of the article, by the Bureau of Chemistry of this department, showed the following results:

Crude fiber (per cent)	14.5
Protein (N x 6.25) (per cent)	35.8
Nitrogen (per cent)	5.73

Misbranding of the article was alleged in the information for the reason that the statement, "Guarantee this * * * Cottonseed Meal to contain not less than * * * 38.6 per cent of crude protein—not more than 12.0 per cent of crude fibre," borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 38.6 per cent of crude protein and not more than 12 per cent of crude fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 38.6 per cent of crude protein and not more than 12 per cent of crude fiber, whereas, in truth and in fact, it contained less crude protein and more crude fiber than was declared on the label, to wit, approximately, 35.8 per cent of crude protein and 14.5 per cent of crude fiber.

On May 15, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6449. Misbranding of cottonseed meal. U. S. * * * v. Osage Cotton Oil Co., a corporation. Plea of guilty. Fine, $15 and costs. (F. & D. No. 8669. I. S. No. 19657–m.)

On February 9, 1918, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Osage Cotton Oil Co., a corporation, doing business at Fort Smith, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 23, 1916, from the State of Arkansas into the State of Indiana, of a quantity of an article labeled in part, "Canary Brand High Grade Cotton Seed Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude fiber (per cent)	13.1
Protein (N x 6.25) (per cent)	36.5

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 38.63 to 43% * * * Crude Fibre 8 to 10%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 38.63 per cent of protein and not more than 10 per cent of crude fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 38.63 per cent of protein and not more than 10 per cent of crude fiber, whereas, in truth and in fact, it contained less protein and more crude fiber than was declared on the label, to wit, approximately 36.5 per cent of protein and approximately 13.1 per cent of crude fiber.

On June 19, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $15 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

6450. Adulteration and misbranding of sardines. U. S. * * * v. 100 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8673. I. S. No. 8752–p. S. No. C–785.)

On December 27, 1917, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 12 cases of sardines, remaining unsold in the original unbroken packages, at New Orleans, La., alleging that the article had been shipped on or about November 10, 1917, by James & Washington, Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Balboa Brand Sardines."

Adulteration of the article was alleged in the libel for the reason that it consisted of a filthy and decomposed animal substance.

Misbranding of the article was alleged for the reason that it purported to be a foreign product, whereas, in fact, it was manufactured in the United States.

On February 14, 1918, no claimants having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 6401 TO 6450.

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United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 6451–6500.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 2, 1919.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

6451. Misbranding of tomatoes. U. S. * * * v. 8 Cases * * * of Canned Tomatoes. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 8695. I. S. No. 19227-p. S. No. W-210.)

On January 4, 1918, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases of canned tomatoes, consigned by Warfield-Pratt-Howell Co., Sioux City, Iowa, remaining unsold in the original unbroken packages at Douglas, Wyo., alleging that the article had been shipped on or about December 1, 1917, and transported from the State of Iowa into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act. The article was labeled, "Green Hill Brand Tomatoes. Packed by Insley & Mitchell Co., Salisbury, Md. Contents 6 pounds 7 ounces."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Contents 6 pounds 7 ounces," was false and misleading in that the contents of each of the cans was not 6 pounds 7 ounces, but was, in truth and in fact, 5 pounds and 8 ounces. Misbranding of the article was alleged for the further reason that it was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the cans in terms of weight, measure, and [or] numerical count.

On February 2, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6452. Adulteration of powdered milk. U. S. * * * v. 2 Barrels * * * of Powdered Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8698. I. S. No. 8239-p. S. No. C-790.)

On January 9, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels of powdered milk, alleging that the article had been shipped on September 10, 1917, by the Sullivan Condensed Milk Co., Sullivan, Wis., from Minneapolis, Minn., and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy animal substance, and for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On May 29, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

ERRATA.

(S.R.A. - Chem. Suppl. 60)

In Notice of Judgment 6459, paragraph 2, line 33, and in Notice of Judgment 6477, paragraph 2, line 34, the word "misleading" should read "fraudulent".

6453. Adulteration and misbranding of gelatin. U. S. * * * v. 1 Barrel of Gelatin and U. S. * * * v. 2 Barrels of Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 8699, 8700. I. S. Nos. 14521-p, 8528-p. S. Nos. C-789, C-791.)

On January 14, 1918, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1 barrel, containing 300 pounds, and 2 barrels, each containing 350 pounds of gelatin, remaining unsold in the original unbroken packages at Dallas, Tex., alleging that the 1 barrel had been shipped on or about June 19, 1917, and the 2 barrels had been shipped on or about August 8, 1917, by the Consumers' Glue Co., a corporation, St. Louis, Mo., and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article in each shipment was alleged in the libels for the reason that glue had been substituted in part for gelatin, which the article purported to be; and for the further reason, in the case of one shipment, that it contained an added poisonous and deleterious ingredient, to wit, zinc, which might render the article injurious to health, and in the case of the other shipment, that it contained added poisonous and deleterious ingredients, to wit, copper and zinc, which might render the article injurious to health.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, gelatin; and for the further reason that it was not in fact gelatin but was a mixture of gelatin, glue, and zinc.

On June 4, 1918, the said Consumers' Glue Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $1,100, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6454. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Producers' Cotton Oil Co., a corporation. Plea of nolo contendere. Fine, $25 and costs. (F. & D. No. 8702. I. S. No. 19651–m.)

On May 10, 1918, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Producers' Cotton Oil Co., a corporation, doing business at Yazoo City, Miss., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 29, 1916, from the State of Mississippi into the State of Indiana, of a quantity of cottonseed meal sold under contract as 7 per cent, which was adulterated and misbranded.

An examination of a sample of the article by the Bureau of Chemistry of this department showed 6.02 per cent ammonia.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for cottonseed meal, which the article purported to be; and for the further reason that a product containing less than 7 per cent of ammonia, to wit, 6.02 per cent of ammonia, had been substituted in whole or in part for 7 per cent ammonia cottonseed meal, which the article purported to be.

Misbranding of the article was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 14, 1918, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $25 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6455. Misbranding of Dr. Fahrney's Teething Syrup. U. S. * * * v. Howard Fahrney (D. Fahrney & Son). Plea of nolo contendere. Fine, $50 and costs. (F. & D. No. 8704. I. S. No. 1837–p.)

On August 14, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Howard Fahrney, trading as D. Fahrney & Son, Hagerstown, Md., alleging shipment on or about July 24, 1917, by said defendant, in violation of the Food and Drugs Act, as amended, from the State of Maryland into the State of Virginia, of a quantity of an article labeled in part, "Dr. Fahrney's Teething Syrup," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a dark brownish-red, thick, sirupy liquid of a sweet flavor suggesting licorice, but no glycyrrhizin could be identified. Odor suggested oil of wintergreen and anise. It contained about 52 per cent solid matter, mostly sugar, about 11 per cent alcohol, and some morphine and chloroform.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements, included in the leaflet accompanying the article, falsely and fraudulently represented it as a treatment, remedy, and cure for teething and cholera infantum, summer complaint, and dysentery in children; to allay the inflammation, remove the congestion, and bring back the natural secretions in diarrhea, cholera infantum, summer complaint, and dysentery in children; as a treatment, remedy, and cure for colic and griping in children; to correct the weakness of the bowel muscles in children, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that certain statements included in the leaflet accompanying the article falsely and fraudulently represented that it was a medicine which could be administered to children without harmful effect, whereas, in truth and in fact, it was not a medicine which could be administered to children without harmful effect, but was a product which contained morphine, which rendered the article harmful in its effect on children.

On August 14, 1918, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $50 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6456. Adulteration and misbranding of olive oil. U. S. * * * v. 4 Cases of Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8867. I. S. No. 2681–p. S. No. E–995.)

On March 22, 1918, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases, each containing 4 dozen 1-quart cans of olive oil, consigned by Garra & Trusso, New York, N. Y., remaining unsold in the original unbroken packages at Providence, R. I., alleging that the article had been shipped on or about January 26, 1918, and transported from the State of New York into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Olive Oil," was false and misleading and deceived and misled the purchaser in that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil; and for the further reason that it purported to be a foreign product, whereas, in fact, it was a product of domestic manufacture packed in the United States.

On April 17, 1918, A. S. Johnson, Providence, R. I., claimant, having filed a claim and answer, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a satisfactory bond, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6457. Adulteration and misbranding of evaporated milk. U. S. * * * v. 50 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9295. I. S. Nos. 6125–r, 6126–r. S. No. C–964–b.)

On September 10, 1918, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of evaporated milk labeled in part, "Our Best Brand Evaporated Milk, Aviston Condensed Milk Co., Aviston, Illinois," remaining unsold in the original unbroken packages at Jackson, Tenn., alleging that the article had been shipped on or about August 21, 1918, by the Aviston Condensed Milk Co., New Orleans, La., and transported from the State of Louisiana into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that partially evaporated milk had been substituted for evaporated milk, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that the statement, to wit, "Evaporated Milk," was false and misleading so as to deceive and mislead the purchaser thereof.

On March 19, 1919, the said Aviston Condensed Milk Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $250, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6458. Adulteration and misbranding of olive oil (so-called). U. S. * * * v. 3 Cases of Olive Oil (so-called). Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9420. I. S. No. 12701-r. S. No. E-1149.)

On November 1, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cases of olive oil (so-called), remaining unsold in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped on or about September 23, 1918, by N. P. Economou & Theodos, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part, "Finest Quality Table Oil."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted almost wholly for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements borne on the cans were false and misleading, that is to say, the impression created by the statements and designs not being corrected by the inconspicuous statement, "Cottonseed oil slightly flavored with olive oil," which said statements and designs were intended to be of such a character as to induce the purchaser to believe that it was olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture, packed in the United States; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On March 14, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold at private sale by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6459. Misbranding of Fruitatives. U. S. * * * v. 9 1/3 Dozen Large Packages and 9 1/6 Dozen Small Packages of Fruitatives. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9456. I. S. No. 12645–r. S. No. E–1155.)

On November 30, 1918, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9⅓ dozen large packages and 9⅙ dozen small packages of Fruitatives, consigned by Fruitatives (Ltd.), Ogdensburg, N. Y., remaining unsold in the original unbroken packages at Portland, Me., alleging that the article had been shipped on October 3, 1918, and transported from the State of New York into the State of Maine, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part, "'Fruitatives' 'Fruit Liver Tablets' * * *."

Misbranding of the article was alleged in the libel for the reason that the packages bore the inscription, "'Fruitatives' 'Fruit Liver Tablets' By their fruit ye shall know them" "The laxative and healing properties of fresh ripe fruit * * * 'Fruitatives' 'Fruit Liver Tablets' compound is made from the laxative, or liver principle, extracted by a special process from oranges, apples, prunes and figs * * *. Composition: 'Fruitatives' is made from a special extract of concentrated and intensified fruit juice," together with pictorial device of apparatus being fed different fruits and discharging tablets of the product and bearing the further inscription, "Made from fresh ripe fruit," which said inscriptions and pictorial device were false and misleading in that they conveyed the impression that the laxative and healing properties were due to fruit or fruit extracts, when in fact they were not. Misbranding of the article was alleged for the further reason that the packages bore the inscription, "Antiseptics," which said inscription was false and misleading in that, while quinine, one of the ingredients, may be regarded as an antiseptic, it is not such in the form or dose found in the product; and for the further reason that the packages bore the inscription, "Harmless," which said inscription was not corrected by qualifying statement, "when taken as directed," and was false and misleading in that it was not harmless, but contained an active poison, nux vomica (strychnine). Misbranding of the article was alleged for the further reason that the packages bore certain statements regarding the curative or therapeutic effects of the article, to wit, "Strengthens the stomach and liver; * * * stimulates the kidneys * * * ; tends to purify the blood; tones up the nervous system," "relieves * * * Recurring Headaches, Dizziness, Backache," [and the pamphlet contained the statement] "'Fruitatives' is an Effective Remedy * * * and has a distinctly remedial action on the stomach, bowels, kidneys, skin and nervous system. In * * * indigestion * * * kidney irritation, skin diseases, headaches, backaches, sleeplessness, pelvic pains, nervous depression and blood impurity—Fruitatives is very beneficial and highly recommended. * * * Indigestion or Dyspepsia. Fruitatives will materially aid in relieving this disease * * * Rheumatism. The action of Fruitatives will tend to relieve rheumatism. Catarrh * * * Use Fruitatives * * * ," which said statements were false and misleading in that the article contained no ingredient or ingredients capable of producing the therapeutic or curative effects claimed for it in said statements.

On December 28, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6460. Adulteration and misbranding of elixir iron, quinine, and strychnine, and adulteration of camphorated oil. U. S. * * * v. James W. Douglas (Douglas Pharmacy). Collateral of $40 forfeited. (F. & D. No. 8710. I. S. Nos. 4946–m, 4948–m.)

On April 22, 1918, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against James W. Douglas, trading as the Douglas Pharmacy, Washington, D. C., alleging the sale by said defendant, on June 1, 1917, at the District aforesaid, in violation of the Food and Drugs Act, of a quantity of an article purporting to be elixir iron, quinine, and strychnine, which was adulterated and misbranded, and of a quantity of camphorated oil which was adulterated.

Analysis of samples of the articles by the Bureau of Chemistry of this department showed the iron, quinine, and strychnine to contain 36.48 per cent of alcohol by volume and total anhydrous alkaloids amounting to 0.94 grams per 100 cubic centimeters; and the camphorated oil to contain 7.2 per cent of camphor by polarization.

Adulteration of the elixir of iron, quinine, and strychnine was alleged in the information for the reason that it was sold under and by a name recognized in the National Formulary, which differed from the standard of strength, quality, and purity as determined by the tests laid down in said National Formulary, official at the time of the investigation of the article, in that it contained 0.94 gram of total alkaloids per 100 cubic centimeters and 36.48 per cent of alcohol, whereas said National Formulary requires that the article should contain only 0.729 gram of total alkaloids per 100 cubic centimeters and only 22.8 per cent of alcohol; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that it contained, to wit, 36.48 per cent of alcohol, and the package containing the article failed to bear on its label the quantity or proportion of alcohol so contained in the article.

Adulteration of the camphorated oil was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, camphorated oil, which differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of the investigation of the article, in that it contained 7.2 grams of camphor per 100 grams of camphorated oil, whereas said Pharmacopœia provides that the article should contain not less than 19.5 grams, nor more than 20.5 grams of camphor per 100 grams of camphorated oil, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On April 22, 1918, the case having been called and the defendant failing to appear, the $40 that had been deposited by him as collateral to insure his appearance was forfeited.

J. R. Riggs, *Acting Secretary of Agriculture.*

6461. Misbranding of Tubbs' Bilious Man's Friend. U. S. * * * v. Tubbs Medicine Co. Plea of guilty. Fine, $100. (F. & D. No. 8717. I. S. No. 11074–m.)

On March 30, 1918, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tubbs Medicine Co., a corporation, River Falls, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 21, 1916, from the State of Wisconsin into the State of Minnesota, of a quantity of an article labeled in part, "Tubbs' Bilious Man's Friend," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the sample was a hydroalcoholic solution of sugar and plant extractives (rhubarb), with a very small amount of aromatics and 13.2 per cent of alcohol by volume.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the carton and bottle falsely and fraudulently reported it as a remedy for liver and kidney troubles, rheumatism, backache, indigestion, sick headaches, colds with feverish conditions, nervous disorders, scurvy, worms, piles, malaria; as a preventive of appendicitis and rheumatism; as a remedy for overheated conditions from overwork or sun exposure, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that the statement, to wit, "Contains, alcohol 20%," borne on the labels regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 20 per cent of alcohol, whereas, in truth and in fact, it did not, but contained a less amount, to wit, 13.2 per cent of alcohol; and for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

On July 23, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100, which was paid.

J. R. Riggs, *Acting Secretary of Agriculture.*

6462. Adulteration of tomato pulp. U. S. * * * v. 1000 Cases of Tomato Pulp. Product ordered destroyed. (F. & D. No. 8723. I. S. No. 2575-p. S. No. E-964.)

On January 9, 1918, the United States attorney for the District of Southern Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases, each containing 48 cans of tomato pulp, consigned by the Hartlove Packing Co., Baltimore, Md., remaining unsold in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped on or about September 27, 1917, and transported from the State of Maryland into the State of Florida, charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Calhoun Brand Tomato Pulp, Packed by Hartlove Packing Co., Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On January 10, 1919, no claimant having appeared for the property, it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6463. Adulteration of gelatin. U. S. * * * v. 7 Barrels of Gelatin. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8724. I. S. No. 8523–p. S. No. C–766.)

On January 14, 1918, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 barrels of gelatin, remaining unsold in the original unbroken packages at Fort Worth, Tex., alleging that the article had been shipped on or about August 21, 1916, September 27, 1916, and November 17, 1916, by the W. K. Jahn Co., Chicago, Ill., and transported from the State of Illinois into the State of Texas, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article in each shipment was alleged in the libel for the reason that it contained an added poisonous and deleterious ingredient, to wit, zinc, which rendered the article injurious to health; and for the further reason that it was not gelatin in that it contained zinc and was a mixture of zinc and gelatin.

On March 21, 1918, the said W. K. Jahn Co., a corporation, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6464. Adulteration and misbranding of gelatin. U. S. * * * v. 100 Pounds of Gelatin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8725. I. S. No. 15526–p. S. No. C–793.)

On January 9, 1918, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 pounds of gelatin, remaining unsold in the original unbroken package, at Hastings, Nebr., alleging that the article had been shipped on or about September 27, 1917, by the Clarkson Gelatine Works, Chicago, Ill., and transported from the State of Illinois into the State of Nebraska, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that glue had been substituted in part for the original product, and further that it contained added poisonous and deleterious ingredients, to wit, arsenic, copper, and zinc, which rendered the article injurious to health.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, gelatin.

On August 10, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6465. Adulteration of tomato sauce. U. S. * * * v. 50 Cases * * * of Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8727. I. S. No. 11723-p. S. No. C-794.)

On January 14, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 200 cans of tomato sauce, labeled in part, "Tripoli Brand Tomato Sauce * * * Packed by Thomas Page, Albion, N. Y., U. S. A.," alleging that the article had been shipped on October 22, 1917, by Thomas Page, Albion, N. Y., and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On May 15, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6466. Adulteration and misbranding of evaporated apples. U. S. * * * v. 275 Boxes * * * of Evaporated Apples and 230 Boxes of Evaporated Apples. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 8745, 8746. I. S. Nos. 8142-p, 8143-p. S. No. C-799.)

On January 26, 1918, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 275 boxes and 230 boxes of evaporated apples remaining unsold in the original unbroken packages at Ardmore, Okla., alleging that the article had been shipped on or about October 24, 1917, by A. C. Hamilton & Co., Fayetteville, Ark., and transported from the State of Arkansas into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Ulster Brand Evaporated Apples. Packed by A. C. Hamilton & Co., Fayetteville, Ark."

Adulteration of the article in each shipment was alleged in the libels for the reason that water had been added and mixed therewith so as to reduce, lower, and injuriously affect its quality or strength, and had been substituted in part for evaporated apples.

Misbranding of the articles was alleged for the reason that they were labeled and branded so as to deceive and mislead the purchaser into the belief that the product consisted entirely of evaporated apples, whereas examination showed the presence of added water.

On March 2, 1918, the said A. C. Hamilton & Co., Fayetteville, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $500 in each case, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6467. Misbranding of mineral water. U. S. * * * v. 25 Crates * * * of Mineral Water. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8751. I. S. No. 8760–p. S. No. C–805.)

On January 31, 1918, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 crates, each containing one 5-gallon bottle of mineral water, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped on December 7, 1917, by C. L. Bradley, Pocahontas, Miss., and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel for the reason that the statement on the labels of the bottles, to wit, "Robinson Spring Water * * * Recommended in the Treatment of Bright's Disease, Diabetes, Dropsy, Cystitis, Gout, Rheumatism, Indigestion, Kidney and Bladder Troubles," regarding the curative and therapeutic effect of the drug, was false and fraudulent in that the article contained no ingredients nor combination of ingredients capable of producing the curative and therapeutic effects claimed in said statement.

On February 8, 1918, I. L. Lyons & Co. (Ltd.), New Orleans, La., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $150, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

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6468. Adulteration and misbranding of sauerkraut. U. S. * * * v. 150 Cases of Sauerkraut. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8753. I. S. No. 12004–p. S. No. C–803.)

On February 6, 1918, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 150 cases, each containing 2 dozen cans of sauerkraut, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on or about December 8, 1917, by the Thomas Canning Co., Grand Rapids, Mich., and transported from the State of Michigan into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Kent Brand Sauer Kraut."

Adulteration of the article was alleged in the libel for the reason that an excessive amount of brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for sauerkraut, which the article purported to be.

Misbranding of the article was alleged for the reason that the labels borne on the cases or cartons containing the article were false and misleading in that it was not sauerkraut, but was, in truth and in fact, a mixture of an excessive amount of brine and sauerkraut; and for the further reason that the labels upon the cases or cartons bore the statement regarding it that the same was sauerkraut in such form and display on said labels as to give the impression that it was sauerkraut containing a normal quantity of brine, whereas, in truth and in fact, it was not pure sauerkraut, but was a mixture of sauerkraut and an excessive quantity of brine; and for the further reason that the statement on the labels on the cases or cartons containing the article was false and misleading, and said article was on account thereof labeled and branded so as to deceive and mislead the purchaser thereof.

On August 26, 1918, Otto L. Kuehn Co., Milwaukee, Wis., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6469. Adulteration and misbranding of sauerkraut. U. S. * * * v. 750 Cases of Sauerkraut. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8754. I. S. No. 12003-p. S. No. C-807.)

On February 6, 1918, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 750 cases, each containing 2 dozen cans of sauerkraut, remaining unsold in the original unbroken packages at Cudahy, Wis., alleging that the article had been shipped on or about December 8, 1917, by Cudahy Bros. Co., Grand Rapids, Mich., and transported from the State of Michigan into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Cudbroco Brand Mich. Sauerkraut."

Adulteration of the article was alleged in the libel for the reason that an excessive amount of brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for sauerkraut, which the article purported to be.

Misbranding of the article was alleged for the reason that the labels borne on the cases or cartons containing the article were false and misleading in that it was not sauerkraut, but was, in truth and in fact, a mixture of an excessive amount of brine and sauerkraut; and for the further reason that the labels upon the cases or cartons bore the statement regarding it that the same was sauerkraut in such form and display on said labels as to give the impression that it was sauerkraut containing a normal quantity of brine, whereas, in truth and in fact, it was not pure sauerkraut, but was a mixture of sauerkraut and an excessive quantity of brine; and for the further reason that the statement on the labels on the cases or cartons containing the article was false and misleading, and said article was on account thereof labeled and branded so as to deceive and mislead the purchaser thereof.

On October 10, 1918, the said Cudahy Bros. Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $2,000.

J. R. Riggs, *Acting Secretary of Agriculture.*

6470. Adulteration and misbranding of sauerkraut. U. S. * * * v. 420 Cases of Sauerkraut. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8755. I. S. Nos. 9246–p, 9247–p. S. No. C–804.)

On February 1, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 420 cases of sauerkraut, at Chicago, Ill., alleging that the article had been shipped on November 28, 1917, by the Thomas Canning Co., Grand Rapids, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Thomas Sauer Kraut, Thomas Canning Co., Grand Rapids, Michigan."

Adulteration of the article was alleged in the libel for the reason that an excessive amount of brine had been mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for sauerkraut, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Sauer Kraut," borne on the labels, deceived and misled the purchaser into the belief that it was sauerkraut containing a normal quantity of brine, whereas it contained an excessive quantity of brine.

On May 18, 1918, Brodsky, Gross & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that a sticker label bearing the following statement, to wit, "Sauer Kraut, 30% Added Brine," should be placed on each of the cases.

J. R. Riggs, *Acting Secretary of Agriculture.*

6471. Adulteration and misbranding of sauerkraut. U. S. * * * v. 767 Cases * * * of Sauerkraut. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8756. I. S. No. 9248–p. S. No. C–802.)

On February 1, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 767 cases, each containing 2 dozen packages of sauerkraut, at Chicago, Ill., alleging that the article had been shipped on December 29, 1917, by the Thomas Canning Co., Grand Rapids, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Smilax Brand Kraut."

Adulteration of the article was alleged in the libel for the reason that an excessive amount of brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for sauerkraut.

Misbranding of the article was alleged for the reason that the statement, to wit, "Kraut," borne on the labels, was false and misleading in that it purported to set forth that the article consisted of sauerkraut containing a normal quantity of brine, whereas, in truth and in fact, it contained an excessive quantity of brine.

On July 2, 1918, Swift & Co., Chicago, Ill., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled so as to show the correct amount of added brine.

J. R. Riggs, *Acting Secretary of Agriculture.*

6472. Misbranding of tomatoes. U. S. * * * v. 75 Cases * * * of Tomatoes * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8757. I. S. No. 15191-p. S. No. C-812.)

On February 15, 1918, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cases, each containing 6 cans of tomatoes, remaining unsold in the original unbroken packages at Sioux City, Iowa, alleging that the article had been shipped on or about September 24, 1917, by Insley & Mitchell Co., Salisbury, Md., and transported from the State of Maryland into the State of Iowa, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Green Hill Brand Tomatoes Packed by Insley & Mitchell, Salisbury, Md. Contents 6 pounds 7 ounces."

Misbranding of the article was alleged in the libel for the reason that the branding was false and misleading, and deceived and misled the purchaser in that the purchaser would believe that each of the cans contained 6 pounds and 7 ounces, when, in truth and in fact, it contained only 5 pounds, 8.7 ounces; and for the further reason that it was food in packages, the contents of which was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or number.

On March 6, 1918, Warfield-Pratt-Howell Co., Sioux City, Iowa, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product should be rebranded under the supervision of a representative of this department so that such rebranding will disclose accurately and correctly the contents thereof.

J. R. Riggs, *Acting Secretary of Agriculture.*

6473. Adulteration and misbranding of sauerkraut. U. S. * * * v. 800 Cases of Sauerkraut. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8758. I. S. No. 12002–p. S. No. C–809.)

On February 6, 1918, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 800 cases, each containing 2 dozen cans of sauerkraut, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on or about November 20, 1917, by the Thomas Canning Co., Grand Rapids, Mich., and transported from the State of Michigan into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Thomas Sauer Kraut, Thomas Canning Co., Grand Rapids, Mich."

Adulteration of the article was alleged in the libel for the reason that an excessive amount of brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for sauerkraut, which the article purported to be.

Misbranding of the article was alleged for the reason that the labels borne on the cases or cartons containing the article were false and misleading in that it was not sauerkraut, but was, in truth and in fact, a mixture of an excessive amount of brine and sauerkraut; and for the further reason that the labels upon the cases or cartons bore the statement regarding it that the same was sauerkraut in such form and display on said labels as to give the impression that it was sauerkraut containing a normal quantity of brine, whereas, in truth and in fact, it was not pure sauerkraut, but was a mixture of sauerkraut and an excessive quantity of brine; and for the further reason that the statement on the labels on the cases or cartons containing the article was false and misleading, and said article was on account thereof labeled and branded so as to deceive and mislead the purchaser thereof.

On August 26, 1918, Otto L. Kuehn Co., Milwaukee, Wis., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $2,500, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6474. Adulteration of corn meal. U. S. * * * v. 200 Sacks Corn Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8764. I. S. Nos. 2864-p, 2865-p. S. No. E-973.)

On February 7, 1918, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 sacks of corn meal, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped on or about November 29, 1917, by the Adluh Milling Co., Columbia, S. C., and transported from the State of South Carolina into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged for the reason that it consisted in part of a decomposed vegetable substance.

On March 5, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6475. Adulteration of tomato paste. U. S. * * * v. 35 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8766. I. S. No. 16151–p. S. No. W–215.)

On February 8, 1918, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 cases, each containing 100 cans of tomato paste, consigned on or about November 16, 1917, by R. Gerber & Co., Chicago, Ill., remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped and transported from the State of Illinois into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Concentrated Tomato Concentro Di Pomidoro Liberty Bell Brand."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On May 22, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

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6476. Adulteration and misbranding of soap liniment and chloroform liniment. U. S. * * * v. Tincture & Extract Co., a corporation. Plea of guilty. Fine, $200. (F. & D. No. 8767. I. S. Nos. 4139–m, 1821–p, 6918–p, 1847–p, 2816–p, 6934–p, 4224–m, 4225–m.)

On July 13, 1918, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tincture & Extract Co., a corporation, doing business at Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 17, 1917, July 23, 1917, and June 27, 1917, from the State of Pennsylvania into the District of Columbia, of quantities of soap liniment which was adulterated and misbranded; on August 11, 1917, from the State of Pennsylvania into the District of Columbia, of a quantity of soap liniment which was adulterated; on June 27, 1917, from the State of Pennsylvania into the District of Columbia, of a quantity of chloroform liniment which was adulterated and misbranded; on July 18, 1917, from the State of Pennsylvania into the State of Maryland, of a quantity of chloroform liniment which was adulterated; on June 21, 1917, of a quantity of chloroform liniment which was misbranded; and on June 21, 1917, and July 2, 1917, from the State of Pennsylvania into the State of Maryland, of quantities of soap liniment which was adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

THE SOAP LINIMENT.

Determination.	Shipments.					
	May 17.	Aug. 11.	June 21.	July 23.	July 2.	June 27.
Alcohol (per cent by volume)	58.6	61.4	61.3	58.8	57.1	63.1
Camphor (grams per 1,000 cc)	31.5	35.3	32.8	32.8	32.8	34.1

THE CHLOROFORM LINIMENT.

Determination.	Shipments.	
	July 18.	June 27.
Chloroform (cc per 1,000 cc)	206	219
Camphor (grams per 1,000 cc)	27.3	28.2
Alcohol (per cent by volume)	48.5	47

Adulteration of the soap liniment in the shipment on May 17, 1917, was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia official at the time of investigation of the article, in that in 1,000 mils of the article there were 31.5 grams of camphor and 617 mils of alcohol, whereas the said Pharmacopœia provides that in 1,000 mils of the article there shall be 45 grams of camphor and 700 mils of alcohol, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that the statement, to wit, "Alcohol, 70%," borne on the label attached to the bottle containing the

article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 70 per cent of alcohol, whereas, in truth and in fact, it did not, but contained a less amount, to wit, 58.6 per cent of alcohol; and for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

Adulteration of the soap liniment in the shipments on June 27, 1917, was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity, as determined by the tests laid down in said Pharmacopœia official at the time of investigation of the article, in that in 1,000 mils of the article there were 34.1 grams of camphor, whereas the said Pharmacopœia provides that in 1,000 mils of the article there shall be 45 grams of camphor, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that the statement, to wit, "Alcohol, 70%," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 70 per cent of alcohol, whereas, in truth and in fact, it did not, but contained a less amount of alcohol, to wit, 63.1 per cent of alcohol; and for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

Adulteration of the chloroform liniment in the shipment on June 27, 1917, was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia official at the time of investigation of the article, in that in 1,000 mils of the article there were 219 mils of chloroform and 28.2 grams of camphor, whereas the said Pharmacopœia provides that in 1,000 mils of the article there shall be 300 mils of chloroform and 700 mils of soap liniment, and that in 700 mils of soap liniment there shall be 31.5 grams of camphor, and the standard of strength, quality, and purity of the article was not declared tity or proportion of alcohol contained therein.

Misbranding of the article was alleged for the reason that the statement, to wit, "Alcohol, 40%," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 40 per cent of alcohol, whereas, in truth and in fact, it contained more than 40 per cent of alcohol, to wit, 47 per cent of alcohol; and for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

Adulteration of the soap liniment in the shipment on July 2, 1917, was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia official at the time of investigation of the article, in that in 1,000 mils of the article there were 32.8 grams of camphor, whereas said Pharmacopœia provides that in 1,000 mils of the article there shall be 45 grams of camphor, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that the statement, to wit, "Alcohol, 70%," borne on the labels attached to the bottles containing

the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 70 per cent of alcohol, whereas, in truth and in fact, it did not, but contained a less amount, to wit, 57.1 per cent of alcohol; and for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of the alcohol contained therein.

Adulteration of the chloroform liniment in the shipment on July 18, 1917, was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia official at the time of investigation of the article, in that in 1,000 mils of the article there were 206 mils of chloroform and 27.3 grams of camphor, whereas said Pharmacopœia provides that in 1,000 mils of the article there shall be 300 mils of chloroform and 700 mils of soap liniment, and that in 700 mils of soap liniment there shall be 31.5 grams of camphor, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the chloroform liniment in the shipment on June 21, 1917, was alleged for the reason that it contained chloroform, and the label failed to bear a statement of the quantity or proportion of chloroform contained therein.

Adulteration of the soap liniment in shipment on June 21, 1917, was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia official at the time of investigation of the article, in that in 1,000 mils of the article there were 32.8 grams of camphor, whereas said Pharmacopœia provides that in 1,000 mils of the article there shall be 45 grams of camphor, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that the statement, to wit, "Alcohol, 70%," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 70 per cent of alcohol, whereas, in truth and in fact, it did not, but contained a less amount, to wit, 61.3 per cent of alcohol; and for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

Adulteration of the soap liniment in the shipment on July 23, 1917, was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of investigation of the article, in that in 1,000 mils of the article there were 32.8 grams of camphor, whereas the said Pharmacopœia provides that in 1,000 mils of the article there shall be 45 grams of camphor, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that the statement, to wit, "Alcohol, 70%," borne on the labels attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 70 per cent of alcohol, whereas, in truth and in fact, it did not, but contained a less amount, to wit, 58.8 per cent of alcohol; and for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

Adulteration of the soap liniment in the shipment on August 11, 1917, was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia official at the time of investigation of the article, in that in 1,000 mils of the article there were 35.3 grams of camphor, whereas said Pharmacopœia provides that in 1,000 mils of the article there shall be 45 grams of camphor, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On September 13, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $200.

J. R. Riggs, *Acting Secretary of Agriculture.*

6477. Misbranding of Fruitatives. U. S. * * * v. 7 1/3 Dozen Large Packages and 1 Dozen Small Packages of Fruitatives, and U. S. * * * v. 5 1/2 Dozen Large Packages and 22 1/6 Dozen Small Packages of Fruitatives. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 9462, 9463. I. S. Nos. 12647–r, 12648–r. S. Nos. E–1164, E–1165.)

On November 30, 1918, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 7⅓ dozen large packages and 1 dozen small packages of Fruitatives, and 5½ dozen large packages and 22⅙ dozen small packages of Fruitatives, consigned by Fruitatives, Ltd., Ogdensburg, N. Y., remaining unsold in the original unbroken packages at Portland, Me., and Bangor, Me., alleging that the article had been shipped on or about June 25, 1918, and September 16, 1918, and transported from the State of New York into the State of Maine, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part, "'Fruitatives,' 'Fruit Liver Tablets.'"

Misbranding of the article in each shipment was alleged in the libels for the reasons that the packages bore the inscription "'Fruitatives,' 'Fruit Liver Tablets.' * * * 'By their fruit ye shall know them.' * * * The laxative and healing properties of fresh ripe fruit, * * * 'Fruitatives' 'Fruit Liver Tablets' * * * made from the laxative, or liver principle, extracted by a special process from oranges, apples, prunes and figs * * * Composition: 'Fruitatives' is made from a special extract of concentrated and intensified fruit juice," together with pictorial device of apparatus being fed different fruits and discharging tablets of the product and bearing the further inscription, "Made from fresh ripe fruit," which said inscriptions and pictorial device were false and misleading in that they conveyed the impression that the laxative and healing properties were due to fruit or fruit extracts, when in fact they were not. Misbranding of the article was alleged for the further reason that the packages bore the inscription, "Antiseptics," which said inscription was false and misleading in that, while quinine, one of the ingredients, may be regarded as an antiseptic, it is not such in the form or dose found in the product; and for the further reason that the packages bore the inscription, "harmless," which said inscription was not corrected by qualifying statement, "When taken as directed," and was false and misleading in that it was not harmless, but contained an active poison, nux vomica (strychnine). Misbranding of the article was alleged for the further reason that the packages bore certain statements regarding the curative or therapeutic effects of the article, to wit, "Strengthens the stomach and liver; * * * stimulates the kidneys; * * * tends to purify the blood; tones up the nervous system," "relieves * * * Recurring Headaches, Dizziness, Bachache" and the pamphlet contained the statement "'Fruitatives' is an Effective Remedy * * * and has a distinctly remedial action on the stomach, bowels, kidneys, skin, and nervous system. In * * * indigestion * * * kidney irritation, skin diseases, headaches, backaches, sleeplessness, pelvic pains, nervous depression, and blood impurity—Fruitatives is very beneficial and highly recommended. * * * Indigestion or Dyspepsia. Fruitatives will materially aid in relieving this disease * * * Rheumatism. The action of Fruitatives will tend to relieve rheumatism. Catarrh * * * Use Fruitatives * * * ," which said statements were false and misleading in that the article contained no ingredient or ingredients capable of producing the therapeutic or curative effects claimed for it in said statements.

On December 28, 1918, and February 10, 1919, the cases having come on for hearing respectively on the dates indicated, and no claimants having appeared for the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6478. Adulteration and misbranding of dairy feed. U. S. * * * v. 245 Sacks of Dairy Feed. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9535. I. S. No. 16039-p. S. No. E-1183.)

On December 13, 1918, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 245 sacks of Daisy dairy feed labeled, "Guaranteed analysis: Protein, 13.25 per cent; fat, 3.50 per cent; fiber, 12.50 per cent," remaining unsold in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped on or about October 24, 1918, by the Sutherland Flour Mills Co., Cairo, Ill., and transported from the State of Illinois into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance containing lower percentages of protein and fat and a higher percentage of fiber than those indicated on the labels and tags had been mixed and packed with, and substituted wholly or in part for, an article containing the percentages of protein, fat, and fiber as indicated on the labels, which said article, containing said higher percentages of protein and fat and a lower percentage of fiber, the aforesaid product falsely purported to contain and to be, so as to reduce, lower, and injuriously affect the quality of the article.

Misbranding of the article was alleged for the reason that the statements borne on the labels and on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that said product did not contain 13.25 per cent of protein and did not contain 3.50 per cent of fat and did contain more than 12.50 per cent of fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser and to cause him to believe that the product contained 13.25 per cent of protein, 3.50 per cent of fat, and only 12.50 per cent of fiber, whereas, in truth and in fact, it did not contain 13.25 per cent of protein, 3.50 per cent of fat, and contained more than 12.50 per cent of fiber.

On January 11, 1919, the said Sutherland Flour Mills Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $250, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6479. Adulteration and misbranding of oil of birch. U. S. * * * v. Two 50-Pound Tins of Oil of Birch. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9670. I. S. No. 12675–r. S. No. E–1230.)

On February 7, 1919, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of two tins, each containing 50 pounds of oil of birch, at Boston, Mass., consigned on or about December 27, 1918, alleging that the article had been shipped by Charles V. Sparhawk, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that it consisted in whole or in part of synthetic methyl salicylate, which had been mixed and packed therewith; and for the further reason that it was sold under and by a name recognized in the United States Pharmacopœia, which differed from the standard of strength, quality, and purity as determined by the tests therein laid down, and fell below the professed standard and quality under which it was sold, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oil of birch, whereas, in truth and in fact, it was not.

On February 26, 1919, the said Charles V. Sparhawk, claimant, having filed satisfactory bond in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings.

J. R. Riggs, *Acting Secretary of Agriculture.*

6480. Misbranding of macaroni. U. S. * * * v. 900 Boxes of Macaroni. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8742. I. S. No. 9750–p. S. No. C–795.)

On January 22, 1918, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 900 boxes of macaroni at Youngstown, Ohio, alleging that the article had been shipped on or about October 25, 1917, by V. Viviano & Bros., St. Louis, Mo., and transported from the State of Missouri into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Mulino and Pastificio Elettrico Silvestri Brand Gragnano style."

Misbranding of the article was alleged for the reason that the labels on the boxes were false and misleading in that the Italian language was a design and device which was false and misleading, and misled and deceived the purchaser into the belief that the product was of foreign origin, when, in fact, it was of domestic manufacture.

On November 30, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the 11 boxes of the product seized should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6481. Adulteration of effervescing solution of citrate of magnesia. U. S. * * * v. Robert F. Plummer. Plea of guilty. Fine, $20. (F. & D. No. 8771. I. S. Nos. 4210–m, 10062–m.)

On April 16, 1918, the United States attorney for the District of Columbia acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against Robert F. Plummer, Washington, D. C., alleging the sale by said defendant, on February 8, 1917, and June 1, 1917, at the District aforesaid, in violation of the Food and Drugs Act, of quantities of an article labeled in part, "Effervescing Solution of Citrate of Magnesia," which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Determination.	Sale of Feb. 8.	Sale of June 1.
Magnesium oxid (gram per 100 mils)	0.0381	Trace.
Citric acid (grams per 100 mils)	2.0225	3.21

Adulteration of the article in the sale on February 8, 1917, was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia official at the time of investigation of the article, in that it contained in 100 mils of the solution, magnesium citrate corresponding to 0.0381 gram of magnesium oxid, whereas the said Pharmacopœia provides that 100 mils of the solution shall contain magnesium citrate corresponding to not less than 1.5 grams of magnesium oxid, and that it contained in 100 mils of the solution 2.0225 grams of citric acid, whereas said Pharmacopœia provides that the article should contain 33 grams of citric acid in 350 mils of the solution, equivalent to 9.43 grams of citric acid per 100 mils of the solution, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Adulteration of the article in the other sale was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity, as determined by the test laid down in said Pharmacopœia official at the time of investigation of the article, in that it contained in 100 mils of the solution magnesium citrate corresponding to merely a trace of magnesium oxid, whereas said Pharmacopœia provides that 100 mils of the solution should contain magnesium citrate corresponding to not less than 1.5 grams of magnesium oxid, and that the article contained in 100 mils of the solution 3.21 grams of citric acid, whereas said Pharmacopœia provides that the article should contain 33 grams of citric acid in 350 mils of the solution, equivalent to 9.43 grams of citric acid per 100 mils of the solution, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On April 16, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20.

J. R. Riggs, *Acting Secretary of Agriculture.*

6482. Adulteration and misbranding of water. U. S. * * * v. Deerfield Mineral Springs Co., a corporation. Plea of guilty. Fine $30 and costs. (F. & D. No. 8775. I. S. No. 2005-m.)

On March 27, 1918, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Deerfield Mineral Springs Co., a corporation, Deerfield, Ohio, alleging shipment by said company, on or about August 7, 1916, in violation of the Food and Drugs Act, as amended, from the State of Ohio into the State of New York, of a quantity of an article labeled in part, "'Tripple Bi-Carbonate,' Deerfield Water," which was adulterated and misbranded.

Examinations of samples of the article by the Bureau of Chemistry of this department showed the following results, expressed as milligrams per liter:

Ions.

Silica (SiO_2)	15.0
Sulphuric acid (SO_4)	122.3
Bicarbonic acid (HCO_3)	541.7
Nitric acid (NO_3)	4.4
Chlorin (Cl)	11.5
Calcium (Ca)	53.1
Magnesium (Mg)	21.1
Sodium (Na) by difference	171.0
Total	940.1

Hypothetical combinations.

Sodium nitrate ($NaNO_3$)	6.0
Sodium chlorid (NaCl)	19.0
Sodium sulphate (Na_2SO_4)	180.9
Sodium bicarbonate ($NaHCO_3$)	377.5
Magnesium bicarbonate ($Mg(HCO_3)_2$)	126.9
Calcium bicarbonate ($Ca(HCO_3)_2$)	214.8
Silica (SiO_2)	15.0
Total	940.1

Sanitary analysis.

	Bottle 1.	Bottle 2.
Ammonia, free	None	None
Ammonia, albuminoid	0.006	0.024
Nitrogen as nitrites	None	.001
Nitrogen as nitrates	1.00	1.00

Contents of 4 bottles average, 1 quart, 1 pint, 15.6 fluid ounces.

Bacteriological examination of the water shows it to be polluted.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal and vegetable substance.

It was alleged in substance that the article was misbranded for the reason that certain statements appearing on the labels of the bottles falsely and fraudulently represented it as a cure for stomach trouble, kidney disease, uric acid poisoning, and liver troubles, when, in truth and in fact, it was

not. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On February 5, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6483. Misbranding of Mederine. U. S. * * * v. Northern Drug Co., a corporation. Plea of guilty. Fine, $5. (F. & D. No. 8776. I. S. No. 11290–m.)

On July 16, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Northern Drug Co., a corporation, Duluth, Minn., alleging shipment on or about May 5, 1917, by said company, in violation of the Foods and Drugs Act, as amended, from the State of Minnesota into the State of Wisconsin, of a quantity of an article labeled in part, "Mederine," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the article to consist essentially of a hydroalcoholic solution of sugar, potassium iodid, methyl salicylate, salicylic acid, glycerin, and plant extractives (emodin).

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the carton, label, circular, and wrapper, falsely and fraudulently represented it as a cure for chronic constipation, indigestion, liver complaint, and effective as a remedy, treatment, and cure for catarrh, rheumatism, eczema, and all blood and skin diseases, malaria, la grippe, kidney trouble, scrofula, tumors, pimples, boils; and as an infallible remedy for sallow faced and sick people; as a powerful system and blood builder; and as a remedy, treatment, and cure for gout, catarrh of the head, throat, and stomach, morning coughing and vomiting spells, blood taint, tumors and running ulcers, swollen joints and limbs, pains in shoulders, blood poisoning, pain in back, difficulty and irregularity in urinating, rising frequently in the night to urinate, a cloudy or reddish "brick dust" sediment in the urine when allowed to stand a few hours, soreness and weakness of the lower portions of the back, sunken eyes, pale and bloated face, puffy skin beneath eyes, palpitation of the heart, difficulty in breathing, sciatica, inflammatory rheumatism, chronic rheumatism, blotches, blackheads, rough skin, oily skin, falling of the hair, diseased condition of the scalp, and ailments of women, whereas, in truth and in fact, it was not.

On July 30, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $5.

J. R. Riggs, *Acting Secretary of Agriculture.*

6484. Adulteration and misbranding of Jamaica rum. U. S. * * * v. Julius Levin Co. (Inc.), a corporation. Plea of guilty. Fine, $100. (F. & D. No. 8778. I. S. No. 21064–m.)

On March 18, 1918, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Julius Levin Co. (Inc.), a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 24, 1917, from the State of California into the Territory of Hawaii, of a quantity of an article labeled in part, "Milton Jamaica Rum," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 liters, 100 proof unless otherwise indicated:

Proof at 60° F	90.0
Acids as acetic	8.0
Esters as acetic	23.5
Aldehydes as acetic	2.7
Furfural	.55
Fusel oil	4.9

Caramel: Present.

Product consists largely of neutral spirits colored with caramel.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, neutral spirits, artificially colored, had been substituted in part for Jamaica rum, which the article purported to be, and had been mixed and packed therewith so as to lower and injuriously affect its quality and strength.

Misbranding of the article was alleged for the reason that the statement, "Milton Jamaica Rum," borne on the label regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted entirely of Jamaica rum; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article consisted entirely of Jamaica rum, whereas, in truth and in fact, it did not, but consisted in large part of another substance, to wit, neutral spirits.

On March 30, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100.

J. R. Riggs, *Acting Secretary of Agriculture.*

6485. Adulteration of Coca-Cola. U. S. * * * v. Washington Coca-Cola Bottling Works, a corporation. Plea of guilty. Fine, $200. (F. & D. No. 8780. I. S. Nos. 1838-p, 1840-p.)

On July 9, 1918, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the aforesaid District an information against the Washington Coca-Cola Bottling Works, a corporation, doing business at Washington, D. C., alleging shipment by said company, in violation of the Food and Drugs Act, on August 8, 1917, and August 11, 1917, from the District of Columbia into the State of Virginia, of quantities of an article labeled in part, "Coca-Cola," which was adulterated.

Examination of a sample of 6 bottles of the article from the shipment of August 8 by the Bureau of Chemistry of this department showed that one bottle contained a fly; this and two others showed dirt and sediment; the other three showed a slight amount of sediment; and all the bottles were dirty. Examination of a sample from shipment of August 11 consisting of 2 bottles of Coca-Cola, showed that one bottle contained sediment and a dead insect, and the other bottle contained a slight amount of sediment.

Adulteration of the article in each shipment was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal and vegetable substance.

On July 9, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $200.

J. R. Riggs, *Acting Secretary of Agriculture.*

6486. Adulteration of tomato paste. U. S. * * * v. 660 Cases * * * of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8838. I. S. No. 11743–p. S. No. C–808.)

On March 1, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 660 cases, each containing 200 cans of tomato paste, alleging that the article had been shipped on November 27, 1917, by Taormina & Co., Moneta, Calif., and transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On May 18, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6487. Adulteration of tomato paste. U. S. * * * v. 13 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8840. I. S. No. 9749-p. S. No. C-830.)

On March 5, 1918, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 cases, each containing 200 packages of tomato paste, labeled in part, "Pure Tomato Paste * * * Packed by Mt. Holly Canning Co., Mt. Holly, N. J.," at Youngstown, Ohio, alleging that the article had been shipped on or about October 10, 1917 by the Mount Holly Canning Co., Rio Grande, N. J., and transported from the State of New Jersey into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On November 30, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6488. Adulteration and misbranding of vinegar. U. S. * * * v. 20 Barrels * * * of So-called Sugar Vinegar. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 8841. I. S. No. 8934–p. S. No. C–829.)

On March 6, 1918, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 barrels of so-called sugar vinegar, remaining unsold in the original unbroken packages at Pittsburg, Kans., alleging that the article had been shipped on or about October 30, 1917, by the Ozark Cider & Vinegar Co., Siloam Springs, Ark., and transported from the State of Arkansas into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged for the reason that it consisted in part of distilled vinegar, artificially colored with a caramel product which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for sugar vinegar, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement borne on the label, to wit, "Sugar Vinegar," was false and misleading, and calculated to induce the purchaser to believe that the sugar vinegar was pure, whereas, in truth and in fact, it was not.

On May 3, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal, the purchaser to execute a bond in the sum of $500, conditioned in part that the product should be relabeled so as to show its true contents.

J. R. Riggs, *Acting Secretary of Agriculture.*

6489. Adulteration of tomato sauce. U. S. * * * v. 500 Cases * * * of Tomato Sauce. Consent decree of condemnation and forfeiture. Good portion ordered released. Unfit portion ordered destroyed. (F. & D. No. 8844. I. S. No. 11733-p. S. No. C-834.)

On March 6, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 500 cases, each containing 200 cans of tomato sauce, at Chicago, Ill., alleging that the article had been shipped on November 10, 1917, by the Burt Olney Canning Co., Betterton, Md., and transported from the State of Maryland into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On September 30, 1918, Norman J. Gerber and Jay J. Gerber, copartners, doing business as R. Gerber & Co., Chicago, Ill., claimants, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sorted under the supervision of a representative of this department, the unfit portion to be destroyed by the United States marshal, the good portion to be delivered to said claimants upon the payment of the costs of the proceedings.

J. R. Riggs, *Acting Secretary of Agriculture.*

6490. Adulteration and misbranding of chloroform liniment, and adulteration of citrate of magnesia. U. S. * * * v. George Latterner (Brace's Pharmacy). Plea of guilty. Fine, $40. (F. & D. No. 8722. I. S. Nos. 3884–m, 2230–m, 4553–m, 6917–p.)

On April 20, 1918, United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against George Latterner, trading as Brace's Pharmacy, Washington, D. C., alleging that said defendant, on February 9, 1917, December 19, 1916, May 31, 1917, and July 31, 1917, at the District aforesaid, in violation of the Food and Drugs Act, did offer for sale and sell quantities of an article labeled "Chloroform Liniment. Alcohol 49%. Each Fluid Ounce Contains 144 Minims of Chloroform. * * * W. D. Brace, Pharmacist, Cor. 30th and M Streets N. W., Washington, D. C.," which was adulterated and misbranded; and of an article labeled "Solution Citrate of Magnesia. * * * Brace's Pharmacy, George Latterner, Prop. 30th and M Streets, N. W., Washington, D. C.," which was adulterated.

Analysis of the samples of the articles by the Bureau of Chemistry of this department showed the following results:

Citrate of magnesia (sale of February 9, 1917).	
Citric acid (grams per 100 cc)	7.46
Magnesium oxid (gram per 100 cc)	.80
Chloroform liniment (sale of December 19, 1916).	
Alcohol (per cent by volume)	40
Camphor (grams per 1000 mils)	25.3
Chloroform (mils per 1,000 mils)	247
(minims per fluid ounce)	118
Citrate of magnesia (sale of May 31, 1917).	
Citric acid (grams per 100 cc)	7.64
Magnesium oxid (grams per 100 cc)	1.15
Chloroform liniment (sale of July 31, 1917).	
Alcohol (per cent by volume)	50.65
Camphor (grams per 1,000 mils)	20.4
Chloroform (mils per 1000 mils)	215.7
(minims per fluid ounce)	105

Adulteration of the citrate of magnesia in the sale on December 19, 1916, [February 9, 1917] was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity, as determined by the tests laid down in the said United States Pharmacopœia official at the time of investigation of the article, in that it contained in 100 mils of the solution magnesium citrate corresponding to not less than 1.5 grams of magnesium oxid, and in Pharmacopœia provides that 100 mils of the solution shall contain magnesium citrate corresponding to not less than 1.5 grams of magnesium oxid, and in that said article contained in 100 mils of the solution 7.46 grams of ctiric acid, whereas said Pharmacopœia provides that the article should contain 33 grams of citric acid in 350 mils of the solution, equivalent to 9.43 grams of citric acid per 100 mils of the solution, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Adulteration of the chloroform liniment in the sale on December 19, 1916, was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia official at the time of investigation of the article, in that in 1,000 mils of the article there were 247 mils of chloroform, whereas said

Pharmacopœia provides that in 1,000 mils of the article there shall be 300 mils of chloroform, and that in 1,000 mils of the article there were 25.3 grams of camphor, whereas said Pharmacopœia provides that in 1,000 mils of the article there shall be 700 mils of soap liniment and that in 700 mils of soap liniment there shall be 31.5 grams of camphor, and that the article contained 40 per cent alcohol, whereas said Pharmacopœia provides that in 1,000 mils of the article there shall be 700 mils of soap liniment and that in 700 mils of soap liniment there shall be approximately 465 mils of absolute alcohol, corresponding to approximately 46.5 per cent of absolute alcohol by volume, and the standard of the strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that the statement to wit, "* * * Alcohol, 49 per cent. Each Fluid Ounce Contains 144 Minims of Chloroform * * * ," borne on the label attached to the bottle containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 49 per cent of alcohol and 144 minims of chloroform to the fluid ounce, whereas, in truth and in fact, it did not, but contained a less amount, to wit, 40 per cent of alcohol and 118.6 minims of chloroform to the fluid ounce. Misbranding of the article was alleged for the further reason that it contained alcohol and chloroform, and the label failed to bear a statement of the quantity or proportion of alcohol and chloroform contained therein.

Adulteration of the citrate of magnesia in the sale on May 31, 1917, was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity, as determined by the tests laid down in said Pharmacopœia official at the time of the investigation of the article, in that it contained in 100 mils of the solution magnesium citrate corresponding to 1.15 grams of magnesium oxid, whereas the said Pharmacopœia provides that 100 mils of the solution shall contain magnesium citrate corresponding to not less than 1.5 grams of magnesium oxid, and in that said article contained in 100 mils of the solution 7.64 grams of citric acid, whereas said Pharmacopœia provides that the article should contain 33 grams of citric acid in 350 mils of the solution, equivalent to 9.43 grams of citric acid per 100 mils of the solution, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Adulteration of the chloroform liniment in the sale on July 31, 1917, was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity, as determined by the tests laid down in said Pharmacopœia official at the time of said investigation of the article, in that in 1,000 mils of the article there were 215.7 mils of chloroform, whereas said Pharmacopœia provides that in 1,000 mils of the article there shall be 300 mils of chloroform, and that in 1,000 mils of the article there were 20.4 grams of camphor, whereas said Pharmacopœia provides that in 1,000 mils of the article there shall be 700 mils of soap liniment and that in 700 mils of soap liniment there shall be 31.5 grams of camphor, and the article contained 50.65 per cent of alcohol, whereas said Pharmacopœia provides that in 1,000 mils of the article there shall be 700 mils of soap liniment, and that in 700 mils of soap liniment there shall be approximately 465 mils of absolute alcohol, corresponding to approximately 46.5 per cent of absolute alcohol by volume, and the standard of strength, quality, and purity of the article was not declared on the containers thereof.

Misbranding of the article was alleged for the reason that the statement, to wit, "* * * Each Fluid Ounce Contains 144 Minims of Chloroform * * *," borne on the label attached to the bottle containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 144 minims of chloroform to the fluid ounce, whereas, in truth and in fact, it did not contain 144 minims of chloroform to the fluid ounce, but contained a less amount, to wit, 105 minims of chloroform to the fluid ounce; and for the further reason that it contained chloroform, and the label failed to bear a statement of the quantity or proportion of chloroform contained therein.

On April 20, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of $40.

J. R. Riggs, *Acting Secretary of Agriculture.*

6491. Adulteration of sardines. U. S. * * * v. 200 Cases and 140 Cases * * * of Sardines. Consent and default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 8765. I. S. No. 12628-p. S. No. C-775.)

On February 7, 1918, and February 8, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 200 cases and 140 cases, each containing 100 cans of sardines, at Minneapolis, Minn., and St. Paul, Minn., alleging that the article had been shipped on or about November 5, 1917, by the Puritan Canning Co., Plymouth, Mass., and transported from the State of Massachusetts into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Sandwich Brand American Sardines, * * * Packed by Puritan Canning Co., Plymouth, Mass."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance.

On April 20, 1918, and June 18, 1918, the cases having come on for hearing, and the Puritan Canning Co., Plymouth, Mass., consignor of the goods in the first case, having consented to a decree, and no claimant having appeared for the property in the latter case, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6492. Misbranding of mixed feed. U. S. * * * v. Choctaw Cotton Oil Co., a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 8820. I. S. No. 19820–m.)

On July 10, 1918, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Choctaw Cotton Oil Co., a corporation, doing business at Shawnee, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 27, 1917, from the State of Oklahoma into the State of Kansas, of a quantity of an article labeled in part, "'Dairyman's Special' Mixed Feed, * * * Manufactured by Choctaw Cotton Oil Co.," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ether extract (per cent)	2.23
Crude protein (per cent)	9.25
Total nitrogen (per cent)	1.48

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Crude Protein——13 P. C. Oil and Fat——3 P. C.," borne on the label, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 13 per cent of crude protein and not less than 3 per cent of oil and fat; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article contained not less than 13 per cent of crude protein and not less than 3 per cent of oil and fat, whereas, in truth and in fact, it contained a less amount than 13 per cent of crude protein and 3 per cent of oil and fat, to wit, approximately 9.25 per cent of crude protein and 2.23 per cent of oil and fat.

On August 5, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

6493. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Thomas R. Pugh and Joseph W. Pugh (Wilmot Oil Mill). Plea of guilty. Fine, $50. (F. & D. No. 8831. I. S. No. 20076-m.)

On May 25, 1918, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas R. Pugh and Joseph W. Pugh, trading as the Wilmot Oil Mill, Wilmot, Ark., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about November 9, 1916, from the State of Arkansas into the State of Illinois, of a quantity of cottonseed meal, invoiced as prime cottonseed meal, which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Nitrogen (per cent)	5.42
Ammonia (per cent)	6.58

Adulteration of the article was alleged in the information for the reason that a product containing less than 7½ per cent of ammonia, to wit, approximately 6.58 per cent of ammonia, had been substituted in whole for prime cottonseed meal, to wit, a product containing 7½ per cent of ammonia, which the article purported to be.

Misbranding of the article was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 13, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50.

J. R. Riggs, *Acting Secretary of Agriculture.*

6494. Misbranding of S. H. Hog Remedy. U. S. * * * v. 396 Packages of S. H. Hog Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8834. I. S. No. 9151–p. S. No. C–822.)

On February 23, 1918, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 396 packages of S. H. Hog Remedy, remaining unsold in the original unbroken packages at Grand Rapids, Mich., alleging that the article had been shipped on or about November 25, 1916, by the S. H. Hog Remedy Co., Dallas, Tex., and of St. Louis, Mo., from St. Louis, Mo., into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "S. H. Hog Remedy."

It was alleged in substance in the libel that the article was misbranded for the reason that certain statements appearing on the label, regarding the therapeutic or curative effects of the article, falsely and fraudulently represented that it was in whole or in part composed of, or contained, ingredients for the prevention of hog cholera and for the prevention and extermination of worms, lice, and other parasites on hogs, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that it contained the following ingredients, to wit, Dutch madder, sulphur, sodium nitrate, ferrous sulphate, arsenic trioxid, and antimony sulphid, which said ingredients and combinations thereof were incapable of producing the effects claimed for it.

On May 7, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6495. Adulteration of canned corn. U. S. * * * v. 96 Cases of Canned Corn. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8846. I. S. No. 8156-p. S. No. C-837.)

On March 11, 1918, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 96 cases, each containing 24 cans of canned corn, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped on or about January 17, 1918, by the Dolan Mercantile Co., Atchison, Kans., and transported from the State of Kansas into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Eventide Brand Sweet Corn."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On June 20, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6496. Adulteration and misbranding of olive oil (so-called). U. S. * * * v. 8 Cases and 17 Cases of Olive Oil (so-called). Consent degree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8847. I. S. No. 1365-p. S. No. E-987.)

On March 8, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases, each containing twelve 1-gallon cans, and 17 cases, each containing 48 quart cans of olive oil (so-called), remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped on or about January 28, 1918, by Garra & Trusso, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which article it purported to be.

Misbranding of the article was alleged for the reason that the labels on the cans bore certain statements regarding the article which were false and misleading, that is to say, the following words, "Olive Oil," which were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture packed in the United States; and for the further reason that it was an imitation of, and was offered for sale under a distinctive name of, another article, to wit, olive oil; and for the further reason that the statements borne on the labels, to wit, "One Full Gallon" or "Full Quart," whereas there was a shortage of 6.36 per cent or 3.4 per cent. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On May 3, 1918, the said Garra & Trusso, claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of $342, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6497. Adulteration and misbranding of olive oil (so-called). U. S. * * * v. 5 Cases of Olive Oil (so-called). Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8850. I. S. No. 1356-p. S. No. E-988.)

On March 12, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of olive oil (so-called), remaining unsold in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped on or about November 22, 1917, by S. Scaduto, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement borne on the labels was false and misleading, that is to say, said labels bore the following words, "Olive Oil," which statement was intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture packed in the United States; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil; and for the further reason that the labels bore the words, "¼ Gallon Net," whereas there was a shortage of 4.97 per cent in each ¼-gallon can. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight, measure, or numerical count.

On May 3, 1918, the said S. Scaduto, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $186, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6498. Adulteration and misbranding of olive oil (so-called). U. S. * * * v. 2 Cases * * * of Olive Oil (so-called). Default decree of condemnation, forfeiture, and sale. (F. & D. No. 8851. I. S. No. 1358–p. S. No. E–989.)

On March 11, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases, each containing 12 one-gallon cans of olive oil (so-called), remaining unsold in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped, on or about January 15, 1918, by the Messina Importing Co., New York, N. Y., and transported from the State of New York into the State of Connecticut, charging adulteration and misbranding, in violation of the Food and Drugs Act as amended.

Adulteration of the article was alleged in the libel for the reason that an oil other than olive oil, probably corn oil, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement borne on the labels of the cans, to wit, "Olive Oil," was intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil; and for the further reason that the statement borne on the label, to wit, "1 Gallon Net," purported to profess that the article contained 1 gallon of olive oil, whereas there was a shortage of 4.41 per cent in each gallon; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On August 23, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold at a private sale by the United States marshal.

J. R. Riggs, *Acting Secretary of Agriculture.*

6499. Adulteration and misbranding of olive oil (so-called). U. S. * * * v. 10 Cases of Olive Oil (so-called). Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8852. I. S. No. 1361–p. S. No. E–990.)

On March 12, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases of olive oil (so-called), remaining unsold in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped, on or about November 12, 1917, by Garra & Trusso, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements borne on the labels of the cans were false and misleading, that is to say, the words, to wit, "Olive Oil," were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture and packed in the United States; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil.

On May 3, 1918, the said Garra & Trusso, New York, N. Y., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of $275, in conformity with section 10 of the act.

J. R. Riggs, *Acting Secretary of Agriculture.*

6500. Adulteration and misbranding of apple cider vinegar. U. S. * * * v. R. M. Hughes & Co., a corporation. Plea of guilty. Fine, $200. (F. & D. No. 8781. I. S. Nos. 19879–m, 19880–m.)

On April 5, 1918, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against R. M. Hughes & Co., a corporation, doing business at Galveston, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 30, 1917 (2 shipments), from the State of Texas, into the State of Louisiana, of quantities of an article labeled in part, "R. M. Hughes & Co. Pure Apple Cider Vinegar," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 cubic centimeters except where otherwise indicated:

Alcohol (per cent by volume)	0.80	0.72
Glycerol	.16	.18
Solids	1.71	1.72
Nonsugar solids	1.17	1.15
Sugar in total solids (per cent)	30.99	33.14
Reducing sugar as invert after evaporation and inversion	.53	.57
Ash	.22	.23
Ash in nonsugar solids (per cent)	18.80	20.00
Acidity as acetic	4.47	4.53
Volatile acid as acetic	4.37	4.43
Fixed acid as malic	.11	.11
Lead precipitate	Medium	Medium

Results indicate adulteration with distilled vinegar or dilute acetic acid.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, distilled vinegar or dilute acetic acid, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure apple cider vinegar, which the article purported to be.

Misbranding of the article in each shipment was alleged for the reason that the statement, "Pure Apple Cider Vinegar," borne on the label regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted entirely of pure apple cider vinegar; and for the further reason that it was labeled and branded so as to deceive and mislead the purchaser into the belief that the product was pure apple cider vinegar, whereas, in truth and in fact, it was not, but consisted in part of another substance, to wit, distilled vinegar or dilute acetic acid.

On June 11, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $200.

J. R. Riggs, *Acting Secretary of Agriculture.*

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**Cases containing decisions of the courts or instructions to juries.*

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